

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

47TH LEGISLATIVE DAY

WEDNESDAY, MAY 23, 2001

11:30 O'CLOCK A.M.

No. 47  
[May 23, 2001]



The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Senator J. Bradley Burzynski, Sycamore, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Monday, May 21, 2001, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, May 22, 2001, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

#### REPORT RECEIVED

The Secretary placed before the Senate the following report:

A report on Trends in Higher Education, May 2001, submitted by the Illinois Economic and Fiscal Commission.

The foregoing report was ordered received and placed on file in the Secretary's Office.

#### LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 263

#### REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry, to which was referred the Motion to concur with House amendments to the following Senate Bill, reported that the Committee recommends that it be adopted:

Motion to concur House Amendment 1 to Senate Bill 858

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred Senate Resolutions numbered 8, 140, 142, 143, 144, 145, 147, 150, 152, 153 and 154 reported the same back with the recommendation that the resolutions be adopted.

Under the rules, Senate Resolutions numbered 8, 140, 142, 143, 144, 145, 147, 150, 152, 153 and 154 were placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred Senate Joint Resolution No. 36 reported the same

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back with the recommendation that the resolution be adopted.

Under the rules, Senate Joint Resolution 36 was placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive, to which was referred House Joint Resolution No. 2 reported the same back with the recommendation that the resolution be adopted.

Under the rules, House Joint Resolution 2 was placed on the Secretary's Desk.

Senator Klemm, Chairperson of the Committee on Executive to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

**Amendment No. 2 to House Bill 1655**

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary, to which was referred the Motion to concur with House amendments to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

**Motion to concur House Amendments 1 and 2 to Senate Bill 28**

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Burzynski, Chairperson of the Committee on Licensed Activities, to which was referred the Motions to concur with House amendments to the following Senate Bills, reported that the Committee recommends that they be approved for consideration:

**Motion to concur House Amendment 1 to Senate Bill 527**

**Motion to concur House Amendment 1 to Senate Bill 528**

Under the rules, the foregoing motions are eligible for consideration by the Senate.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

**SENATE BILL NO. 95**

A bill for AN ACT in relation to plats.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 95

Passed the House, as amended, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

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## AMENDMENT NO. 1 TO SENATE BILL 95

AMENDMENT NO. 1. Amend Senate Bill 95 on page 1, line 28, by deleting "or resubdivision"; and on page 1, line 30, after "municipality", by inserting "but within a county that has adopted a subdivision ordinance and that has a population of more than 250,000"; and on page 1, by replacing line 31 with "parcels if the sole purpose of the consolidation"; and on page 2, line 2, after "requirements.", by inserting the following: "The exemption created by this amendatory Act of the 92nd General Assembly does not apply to a plat for consolidation for an area in excess of 10 acres or to any consolidation that results in a plat of more than 10 individual lots following the consolidation. If the county receives a request to approve a plat for consolidation pursuant to this Section, the county must notify all municipalities located within 1 1/2 miles of the subject property within 10 days after receiving the request.".

Under the rules, the foregoing Senate Bill No. 95, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 281

A bill for AN ACT concerning wages.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 281

Passed the House, as amended, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 281

AMENDMENT NO. 1. Amend Senate Bill 281 on page 2, line 13 by changing "3" to "5".

Under the rules, the foregoing Senate Bill No. 281, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 397

A bill for AN ACT concerning firearms.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 397

House Amendment No. 2 to SENATE BILL NO. 397

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Passed the House, as amended, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 397

AMENDMENT NO. 1. Amend Senate Bill 397 as follows:  
on page 1, by replacing lines 4 and 5 with the following:  
"Section 5. The Firearm Owners Identification Card Act is  
amended by adding Sections 3.2 and 8.5 as follows:  
(430 ILCS 65/3.2 new)

Sec. 3.2. Report to the local law enforcement agency. The  
Department of State Police must report the name and address of a  
person to the local law enforcement agency where the person resides  
if the person attempting to purchase a firearm is disqualified from  
purchasing a firearm because of information obtained under Section  
3.1."

AMENDMENT NO. 2 TO SENATE BILL 397

AMENDMENT NO. 2. Amend Senate Bill 397, AS AMENDED, as follows:  
in Sec. 3.2 of Section 5, by changing "must report" to "shall  
report"; and  
in Sec. 3.2 of Section 5, by inserting after "3.1" the following:  
"however, if a disqualification is based on the fact that the  
person's Firearm Owner's Identification Card has expired or been  
cancelled, the person's name and address shall not be reported unless  
the Department of State Police deems that reporting the person's name  
and address is appropriate".

Under the rules, the foregoing Senate Bill No. 397, with House  
Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the  
House of Representatives has concurred with the Senate in the passage  
of a bill of the following title, to-wit:

SENATE BILL NO. 406

A bill for AN ACT in relation to higher education student  
assistance.

Together with the following amendment which is attached, in the  
adoption of which I am instructed to ask the concurrence of the  
Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 406

Passed the House, as amended, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 406

AMENDMENT NO. 1. Amend Senate Bill 406 as follows:  
on page 1, lines 1 and 2, by deleting "student assistance"; and  
on page 1, immediately below line 4, by inserting the following:  
"Section 5. The Illinois Financial Assistance Act for Nonpublic  
Institutions of Higher Learning is amended by changing Sections 3, 4,  
5, and 7 as follows:

(110 ILCS 210/3) (from Ch. 144, par. 1333)

Sec. 3. For the academic year beginning in 2002 September-1,  
~~1977~~, institutional grants may ~~shall~~ be made for that and for each  
succeeding academic year to each nonpublic institution of higher  
learning in an amount determined by allocating amounts for funding

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this Act among the eligible institutions in accordance with a formula or formulae based upon one or more of the following factors: on the number of undergraduate degrees granted to students who are residents of the State of Illinois enrolled as students at each such institution; the number of full-time equivalent undergraduate students who are residents of the State of Illinois enrolled as students at each such institution; and the number of, with double credit being given to the full-time equivalent of such students who are junior or senior students at such institutions. ~~The number of full-time equivalent undergraduate students enrolled at eligible nonpublic institutions of higher learning shall be determined as of the first day of the fourth week of classes of the fall term.~~ The Board of Higher Education shall establish formula allocations guidelines and adopt rules necessary for the administration of this Act.

Conditions of institutional eligibility for these grants shall include but need not be limited to the following:

(1) That the governing board of the institution possess its own sovereignty.

(2) That the governing board, or its delegated institutional officials, possess final authority in all matters of local control, including educational policy, choice of personnel, determination of program, and financial management.

(3) That the institution possess and maintain an open policy with respect to race, creed and color as to admission of students, appointment of faculty and employment of staff.

(4) That the institution be able to show its current financial stability and reasonable prospects for its future stability.

(5) That the institution not be operated for profit.

(6) That the institution provide a full financial report including a certified audit, and participate in the unit cost study and other studies conducted annually by the Board of Higher Education.

(7) If required by rule of the Board, that the institution submit to an additional annual external audit of its enrollment records and nonsectarian use of funds.

(Source: P.A. 84-834.)

(110 ILCS 210/4) (from Ch. 144, par. 1334)

Sec. 4. For the academic year beginning in 2002 ~~1971-1972~~ and each academic year thereafter, each eligible institution of higher learning shall prepare and certify to the Board in writing any information required by the Board to justify the grants of Higher Education, on the basis of enrollment at that institution on October 1 of that year, a list of the names, addresses and classification of each resident of Illinois enrolled as a full-time freshman or sophomore and of each resident of Illinois enrolled as a full-time junior or senior at that institution and a similar list of the names, addresses, and classifications of residents of Illinois enrolled as part-time freshmen and sophomores, and as part-time juniors and seniors at such institution, together with a certification of the number of credit hours for which such students are enrolled. This information ~~certified list~~ shall be signed and furnished to the Board by the chief administrative officer of the institution.

(Source: P.A. 80-289.)

(110 ILCS 210/5) (from Ch. 144, par. 1335)

Sec. 5. The Board shall prescribe and advise such institutions as to the form of certificate or certificates to be submitted under Section 4 of this Act, and promptly upon receipt of such certificates from the institutions shall certify to the State Comptroller ~~Treasurer~~ the aggregate amount of the grant allocable to and to be

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paid to each such institution. The Board shall examine the certificates furnished by the institutions and may require such further data and information as the Board may request. Upon written notice by the Board to any institution, the Board may examine the institution's student enrollment records for the purpose of verification, amendment or correction of any such certificate.

(Source: P.A. 77-273.)

(110 ILCS 210/7) (from Ch. 144, par. 1337)

Sec. 7. The Board shall keep an accurate record of all its activities under this Act and ~~by February 15, 1972 and each year thereafter,~~ shall make a report to its members, to the Governor and to the General Assembly Auditor of Public Accounts, such report to be a part of its annual report in a form prescribed by its members, with the written approval of the Auditor of Public Accounts.

(Source: P.A. 77-273.)

Section 10. The Health Services Education Grants Act is amended by changing Section 4 as follows:

(110 ILCS 215/4) (from Ch. 111 1/2, par. 824)

Sec. 4. Grants may be made to medical, dental, pharmacy, optometry, and nursing schools, to physician assistant programs, to other health-related schools and programs, and to hospitals and clinical facilities used in health service training programs.

Qualification for grants shall be on the basis of either the number of Illinois resident enrollees or the number of degrees granted to students who are residents of this State, an increase in the number of Illinois resident enrollees, or both. The grant amount ~~or proportion of increase required to qualify~~ shall be determined by the Board of Higher Education for each class of institution. ~~However, in no case shall an institution qualify for grants unless the increase in its number of Illinois resident enrollees is at least equal to the increase in total enrollment made possible through such grants.~~

At the discretion of the Board of Higher Education grants may be made for each class of institution in any or all of the following forms:

(1) Single nonrecurring grants for planning and capital expense based on the increase in the number of Illinois resident enrollees;

(2) Annual grants based on the ~~increase in the~~ number of degrees granted to (a) Illinois resident enrollees, or (b) Illinois resident enrollees from minority racial and ethnic groups, or both (a) and (b); and

(3) Annual stabilization grants based on the number of (a) Illinois residents already enrolled, or (b) Illinois residents already enrolled from minority racial and ethnic groups, or both (a) and (b).

In awarding grants to nursing schools and to hospital schools of nursing, the Board of Higher Education may also consider whether the nursing program is located in a certified nurse shortage area. For purposes of this Section "certified nurse shortage area" means an area certified by the Director of the Department of Public Health as a nurse shortage area based on the most reliable data available to the Director.

(Source: P.A. 86-1032; 87-1087.)

Section 15. The Illinois Consortium for Educational Opportunity Act is amended by changing Section 9 as follows:

(110 ILCS 930/9) (from Ch. 144, par. 2309)

Sec. 9. Terms of award. After a person has been accepted into the ICEOP, the individual shall be eligible for an annual up to a \$10,000 award annually which shall be renewable for up to an additional 3 years provided that he or she makes satisfactory

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progress toward completing his or her degree. The Consortium Board shall determine the award amount annually.

(Source: P.A. 84-785.)"; and

on page 1, line 5, by replacing "5" with "20"; and

on page 1, line 6, by replacing "Section 35" with "Sections 35, 113, and 145"; and

on page 4, by replacing lines 20 and 21 with the following:

"(110 ILCS 947/113)

Sec. 113. Federal Student Loan Fund; Student Loan Operating Fund; Federal Reserve Recall Fund. The Commission shall create the Federal Student Loan Fund, the Student Loan Operating Fund, and the Federal Reserve Recall Fund. At the request of the Commission's Executive Director, the Comptroller shall transfer funds, as necessary, from the Student Assistance Commission Student Loan Fund into the Federal Student Loan Fund, the Student Loan Operating Fund, and the Federal Reserve Recall Fund. On or before August 31, 2000, the Commission's Executive Director shall request the Comptroller to transfer all funds from the Student Assistance Commission Student Loan Fund into any of the following funds: the Federal Student Loan Fund, the Student Loan Operating Fund, or the Federal Reserve Recall Fund. On September 1, 2000, the Student Assistance Commission Student Loan Fund is abolished. Any future liabilities of this abolished fund shall be assignable to the appropriate fund created as one of its successors. At the request of the Commission's Executive Director, the Comptroller shall transfer funds from the Federal Student Loan Fund into the Student Loan Operating Fund.

(Source: P.A. 91-670, eff. 12-22-99.)

(110 ILCS 947/145)

Sec. 145. Issuance of Bonds.

(a) The Commission has power, and is authorized from time to time, to issue bonds (1) to make or acquire eligible loans, (2) to refund the bonds of the Commission, or (3) for a combination of such purposes. The Commission shall not have outstanding at any one time bonds in an aggregate principal amount exceeding \$3,500,000,000 \$2,100,000,000, excluding bonds issued to refund the bonds of the Commission.

The Commission is authorized to use the proceeds from the sale of bonds issued pursuant to this Act to fund the reserves created therefor, including a reserve for interest coming due on the bonds for one year following the issuance of the bonds, as provided in the resolution or resolutions authorizing the bonds and to pay the necessary expenses of issuing the bonds, including but not limited to, legal, printing, and consulting fees.

(b) The Commission has power, and is authorized from time to time, to issue refunding bonds (1) to refund unpaid matured bonds; (2) to refund unpaid matured coupons evidencing interest upon its unpaid matured bonds; and (3) to refund interest at the coupon rate upon its unpaid matured bonds that has accrued since the maturity of those bonds. The refunding bonds may be exchanged for the bonds to be refunded on a par for par basis of the bonds, interest coupons, and interest not represented by coupons, if any, or may be sold at not less than par or may be exchanged in part and sold in part; and the proceeds received at any such sale shall be used to pay the bonds, interest coupons, and interest not represented by coupons, if any. Bonds and interest coupons which have been received in exchange or paid shall be cancelled and the obligation for interest, not represented by coupons which have been discharged, shall be evidenced by a written acknowledgement of the exchange or payment thereof.

(c) The Commission has power, and is authorized from time to time, to also issue refunding bonds under this Section, to refund

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bonds at or prior to their maturity or which by their terms are subject to redemption before maturity, or both, in an amount necessary to refund (1) the principal amount of the bonds to be refunded, (2) the interest to accrue up to and including the maturity date or dates thereof, and (3) the applicable redemption premiums, if any. Those refunding bonds may be exchanged for not less than an equal principal amount of bonds to be refunded or may be sold and the proceeds received at the sale thereof (excepting the accrued interest received) used to complete such refunding, including the payment of the costs of issuance thereof.

(d) The bonds shall be authorized by resolution of the Commission and may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times not exceeding 40 years from the respective dates thereof, may mature in such amount or amounts, may bear interest at such rate or rates, may be in such form either coupon or registered as to principal only or as to both principal and interest, may carry such registration privileges (including the conversion of a fully registered bond to a coupon bond or bonds and the conversion of a coupon bond to a fully registered bond), may be executed in such manner, may be made payable in such medium of payment, at such place or places within or without the State, and may be subject to such terms of redemption prior to their expressed maturity, with or without premium, as the resolution or other resolutions may provide. Proceeds from the sale of the bonds may be invested as the resolution or resolutions and as the Commission from time to time may provide. All bonds issued under this Act shall be sold in the manner and at such price as the Commission may deem to be in the best interest of the public. The resolution may provide that the bonds be executed with one manual signature and that other signatures may be printed, lithographed or engraved thereon.

The Commission shall not be authorized to create and the bonds shall not in any event constitute State debt of the State of Illinois within the meaning of the Constitution or statutes of the State of Illinois, and the same shall be so stated upon the face of each bond. The source of payment for the bonds shall be stated on the face of each bond.

The issuance of bonds under this Act is in all respects for the benefit of the People of the State of Illinois, and in consideration thereof the bonds issued pursuant to this Act and the income therefrom shall be free from all taxation by the State or its political subdivisions, except for estate, transfer, and inheritance taxes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the income from bonds issued under this Act shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, pursuant to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing Illinois base income shall be the interest net of any bond premium amortization.

(Source: P.A. 89-460, eff. 5-24-96; 90-281, eff. 7-31-97.)

Section 99. Effective date. This Act takes effect upon becoming law, except that (i) in Section 20, the provisions changing Section 35 of the Higher Education Student Assistance Act take effect on July 1, 2001 and (ii) Sections 5, 10, and 15 take effect on July 1, 2002."

Under the rules, the foregoing Senate Bill No. 406, with House Amendment No. 1, was referred to the Secretary's Desk.

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A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 725  
A bill for AN ACT concerning business organizations.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 725  
House Amendment No. 2 to SENATE BILL NO. 725

Passed the House, as amended, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 725  
AMENDMENT NO. 1. Amend Senate Bill 725 on page 19, line 25, by replacing "changes" with "change"; and on page 45, by replacing lines 5 and 6 with the following: "with Section 12.40 of this Act by the Secretary of State, (3) or (2) by a judgment of dissolution by a circuit court of"; and on page 140, line 24, by replacing "member-managed" with "manager-managed".

AMENDMENT NO. 2 TO SENATE BILL 725  
AMENDMENT NO. 2. Amend Senate Bill 725 on page 93, line 11 by replacing "(Blank);" with the following: "Must end with the letters 'NFP' if the corporate name contains any word or phrase which indicates or implies that the corporation is organized for any purpose other than a purpose for which corporations may be organized under this Act or a purpose other than a purpose set forth in the corporation's articles of incorporation;".

Under the rules, the foregoing Senate Bill No. 725, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 899  
A bill for AN ACT concerning schools.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 899

Passed the House, as amended, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 899  
AMENDMENT NO. 1. Amend Senate Bill 899 on page 1, line 5, by replacing "Section" with "Sections 17-2A and"; and on page 1, immediately below line 5, by inserting the following:

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"(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants, may, by proper resolution following a public hearing (that is preceded by at least one published notice occurring at least 7 days prior to the hearing in a newspaper of general circulation within the school district and setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district, subject to the limitations of the Property Tax Extension Limitation Law, if applicable an amount of money not to exceed 20% of the tax actually received in the Fund for the year previous to the transfer,--provided--such--transfer--is--made--solely--for--the--purpose--of--meeting--one--time--non-recurring--expenses. (Source: P.A. 89-3, eff. 2-27-95.)".

Under the rules, the foregoing Senate Bill No. 899, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1276

A bill for AN ACT in relation to pharmaceutical assistance.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1276

House Amendment No. 2 to SENATE BILL NO. 1276

Passed the House, as amended, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1276

AMENDMENT NO. 1. Amend Senate Bill 1276 as follows:

on page 1, line 10, by changing "17" to "19"; and

on page 1, line 31, by deleting "and"; and

on page 2, line 2, by changing "." to ";"; and

on page 2 by inserting between lines 2 and 3 the following:

"(11) a representative of the Illinois State Council of Senior Citizens; and

(12) a representative of the Illinois Association of Area Agencies on Aging."

AMENDMENT NO. 2 TO SENATE BILL 1276

AMENDMENT NO. 2. Amend Senate Bill 1276, AS AMENDED, as follows:

in the first sentence of Sec. 9.2 of Section 5, by changing "19" to "20"; and

in clause (11) of Sec. 9.2 of Section 5, by deleting "and"; and

in clause (12) of Sec. 9.2 of Section 5, by replacing the period with "; and"; and

in Sec. 9.2 of Section 5, immediately below clause (12), by inserting the following:

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"(13) a representative of the Illinois Retail Merchants Association."

Under the rules, the foregoing Senate Bill No. 1276, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1522

A bill for AN ACT concerning State government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1522

Passed the House, as amended, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1522

AMENDMENT NO. 1. Amend Senate Bill 1522 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Small Business Advisory Act.

Section 5. Definitions. In this Act:

"Agency" means the same as in Section 1-20 of the Illinois Administrative Procedure Act.

"Joint Committee" means the Joint Committee on Administrative Rules.

"Small business" means any for profit entity, independently owned and operated, that grosses less than \$4,000,000 per year or that has 50 or fewer full-time employees. For the purposes of this Act, a "small business" has its principal office in Illinois.

"Department" means the Department of Commerce and Community Affairs."

Section 10. Small business advisory web pages site.

(a) Within 6 months after the effective date of this Act, each Agency must create and make available on the World Wide Web a small business advisory page.

(b) Each agency that (i) has adopted or is preparing to adopt any rule affecting small businesses or (ii) is designated to administer legislation affecting small businesses that has become law must prepare and post on its small business advisory page a plain language explanation of the rule or legislation. The explanation must indicate the effective date of the rule or legislation. The explanation must remain posted for a minimum of 6 months after the effective date of the rule or legislation. Agencies shall consult with the Department and small businesses in developing uniform web page standards.

If a rule has been proposed but not adopted, an explanation of the rule must be posted as soon as possible in order to allow input and comment from affected small businesses. The State agency must, in addition to posting a plain language explanation of the rule, post notice of the time, date, and place of any public hearings, together with the names, addresses, and telephone numbers of the agency rulemaking contact; what must be done by members of the public who

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wish to provide testimony on the rulemaking; and the names and Springfield and district office addresses and telephone numbers of the members of the Joint Committee.

(c) When each agency updates its small business advisory web page, it shall notify to the Department. The Department, through its First Stop Business Information Center, shall serve as a central clearinghouse notifying the small business community of each agency's rulemakings and changes in requirements. Furthermore, the Department shall seek input from the small business community on the changes and inform the appropriate agency and where applicable, the Joint Committee, of the input.

The Department, as a part of its clearinghouse function, shall maintain a central small business advisory web page that shall serve as a coordinated point of access to all agencies' business advisory web pages.

Section 15. Advisory opinions and interpretations. Each agency must post plain language versions of all advisory opinions and interpretations of rules and statutes affecting small businesses issued by the agency on its small business advisory web page. No person who acts or fails to act in reasonable reliance in the advisory opinions and interpretations may be held liable in any civil, criminal, or regulatory action because of that act or failure to act."

Under the rules, the foregoing Senate Bill No. 1522, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

#### HOUSE JOINT RESOLUTION NO. 32

WHEREAS, The General Assembly supports a women's health platform that recognizes the importance of health care and treatment of women and calls for the elimination of any inequities that would impair the health status of women in Illinois; and

WHEREAS, Illinois can increase its support for women's health and can make a significant difference in improving the status of women's health; and

WHEREAS, Women are different metabolically, hormonally, and physiologically from men and have different patterns of health and disease and some diseases are more common in women than in men; and

WHEREAS, Women are more likely to suffer from chronic diseases, more than one in 5 women have some form of cardiovascular disease and one in 2 women will have an osteoporosis-related fracture in their lifetimes; and

WHEREAS, Women are 3 times more likely than men to develop rheumatoid arthritis and 2 to 3 times more likely than men to suffer from depression; and

WHEREAS, Women are referred for diagnostic tests less frequently than men and are less frequently treated for heart disease than men; and

WHEREAS, Women who smoke are 20 to 70 percent more likely to develop lung cancer than men and are 10 times more likely to contact HIV during unprotected sex than men; and

WHEREAS, Women outnumber men by 3 to 1 in long-term care facilities; and

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WHEREAS, Women are much more likely to provide health care to family members and make health care decisions and spend 2 of every 3 health care dollars; and

WHEREAS, There is abundant evidence that women are under-treated compared to men; and

WHEREAS, There is abundant evidence that women are under-represented in women's health studies; and

WHEREAS, Although there has been some national attention on women's health care issues and some legislative activity by the Congress on access issues, there remains little change in vitally important preventive care and treatment issues; and

WHEREAS, In a recent survey of voters, almost 80% of women and 60% of men favored a women's health care platform that supports relevant care, relevant research, and relevant education for women; and

WHEREAS, 9 out of 10 men and women agree that women have the right to access to quality treatment and access to the latest technologies and appropriate diagnostic tests; therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the General Assembly urges that every State agency and State-chartered institution of learning or recipient of State grants or funding take appropriate action to achieve improved and equal access for women to quality health care, including: providing women with equal access to quality health care, including state-of-the-art medical advances and technology; increasing the number of women covered by comprehensive health care insurance including primary and preventive health care, for all women; preventing serious health problems by timely diagnosis and treatment programs; promoting strategies to increase patient access to recommended diagnostic and screening tests, preventive health regimens, and recommended treatments; encouraging unimpeded access to women's specialty health providers; creating and promoting public/private partnerships to create programs designed to improve the scope and quality of women's health care; improving communications between providers and patients; the continued expansion of participation by women in clinical trials; the increase in government and private research on women's health issues and the differences between men and women and how they impact quality health care; the conduct of more health outcomes research to demonstrate the value of women's health care interventions and preventative health measures in both the long term and the short term; the expansion of medical and nursing school curricula in the area of women's health, including gender biology education; public education campaigns to increase women's awareness about their unique health risks, how to negotiate the complexities of today's health care system and obtain the best care available; the conduct of public health campaigns via State and local departments of public health with private sector partners to focus on key women's health issues; the initiatives of the Illinois Department of Public Health, Office of Women's Health to raise awareness of women's special health care needs, and the advocacy of those issues; the development and dissemination of publicly available information on the quality of health care and health outcomes that improve women's abilities to choose the best women's health care plan; and the expansion of State screening programs targeted at lower-income women to include a full range of known risk factors; and be it further

RESOLVED, That we commend the organization Women in Government for its leadership and enterprise in bringing to Illinois the appropriate urgency of need and meaningful steps that can be taken to attain the improved and equal access for women to quality health

[May 23, 2001]

care, technologies, and treatments; education of researchers about gender differences; and unimpeded access to women's health providers; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Executive Director of Women in Government.

Adopted by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 32, was referred to the Committee on Rules.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO 1039

A bill for AN ACT concerning State finances.

Passed the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 183

A bill for AN ACT regarding taxes.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 183.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 382

A bill for AN ACT to amend certain Acts in relation to the disposition of certain fetuses.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 382.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

[May 23, 2001]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 445

A bill for AN ACT in relation to schools.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 445.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 678

A bill for AN ACT relating to schools.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 678.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 846

A bill for AN ACT in relation to vehicles.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 846.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 854

A bill for AN ACT concerning veterans homes.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 854.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

[May 23, 2001]



A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1000

A bill for AN ACT in relation to alcoholic liquor.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1000.

Concurred in by the House, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1048

A bill for AN ACT concerning schools.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1048.

Concurred in by the House, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1356

A bill for AN ACT concerning speech.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1356.

Concurred in by the House, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1478

A bill for AN ACT concerning transportation.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1478.

[May 23, 2001]

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1694

A bill for AN ACT concerning emergency telephone services.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1694.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1695

A bill for AN ACT in relation to private sewage disposal.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1695.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1728

A bill for AN ACT concerning prompt payment.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1728.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1915

A bill for AN ACT concerning natural resources.

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Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1915.

Concurred in by the House, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1972

A bill for AN ACT concerning library districts.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 1972.

Concurred in by the House, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2088

A bill for AN ACT in relation to sexually violent persons.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2088.

Concurred in by the House, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2259

A bill for AN ACT in relation to motor carriers.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2259.

Concurred in by the House, May 22, 2001.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

[May 23, 2001]



HOUSE BILL 2290

A bill for AN ACT concerning vehicles.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2290.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2315

A bill for AN ACT concerning criminal law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2315.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2528

A bill for AN ACT to amend the Fish and Aquatic Life Code.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2528.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2807

A bill for AN ACT in relation to courts.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2807.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

[May 23, 2001]

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2865

A bill for AN ACT concerning crime victims.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2865.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2994

A bill for AN ACT concerning insurance producers.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2994.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3003

A bill for AN ACT regarding abused and neglected residents of long term care facilities.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3003.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3214

A bill for AN ACT in relation to criminal law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3214.

[May 23, 2001]



Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3204

A bill for AN ACT in relation to the regulation of professions.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3204.

Concurred in by the House, May 22, 2001.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 11:49 o'clock a.m., Senator Karpieł presiding.

EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

On motion of Senator Demuzio, Senator O'Daniel was excused from attendance due to illness in his family.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS  
ON SECRETARY'S DESK

On motion of Senator Rauschenberger, Senate Bill No. 93, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon

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Jacobs  
 Jones, E.  
 Jones, W.  
 Karpier  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 93.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lauzen, Senate Bill No. 252, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Lauzen moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles

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Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 252.

Ordered that the Secretary inform the House of Representatives thereof.

[May 23, 2001]





On motion of Senator Sullivan, Senate Bill No. 447, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sullivan moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter

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Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 447.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rauschenberger, Senate Bill No. 606, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Malley

[May 23, 2001]

Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woollard  
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 606.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, Senate Bill No. 750, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Radogno moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.

[May 23, 2001]



Karpiel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Wooldard  
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 750.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rauschenberger, Senate Bill No. 873, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne

[May 23, 2001]

Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 873.

Ordered that the Secretary inform the House of Representatives thereof.

[May 23, 2001]



On motion of Senator O'Malley, Senate Bill No. 3, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator O'Malley moved that the Senate non-concur with the House in the adoption of their amendments to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendments numbered 1 and 2 to Senate Bill No. 3.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Geo-Karis, Senate Bill No. 30, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Geo-Karis moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 30.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, Senate Bill No. 39, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Silverstein moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 39.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rauschenberger, Senate Bill No. 55, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 55.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, Senate Bill No. 76, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sullivan moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 76.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Roskam, Senate Bill No. 213, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Roskam moved that the Senate non-concur with the House in the adoption of their amendments to said bill.

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The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to Senate Bill No. 213.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, Senate Bill No. 265, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate non-concur with the House in the adoption of their amendments to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendments numbered 1 and 2 to Senate Bill No. 265.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Munoz, Senate Bill No. 368, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Munoz moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 368.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator O'Malley, Senate Bill No. 574, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator O'Malley moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 574.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Obama, Senate Bill No. 629, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Bomke moved that the Senate non-concur with the House in the adoption of their amendments to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendments numbered 1 and 2 to Senate Bill No. 629.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Obama, Senate Bill No. 624, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Obama moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 624.

Ordered that the Secretary inform the House of Representatives thereof.

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On motion of Senator T. Walsh, Senate Bill No. 713, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator T. Walsh moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 713.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Klemm, Senate Bill No. 727, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Klemm moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 727.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Luechtefeld, Senate Bill No. 839, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Luechtefeld moved that the Senate non-concur with the House in the adoption of their amendments to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to Senate Bill No. 839.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, Senate Bill No. 1080, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1080.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peterson, Senate Bill No. 1135, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Peterson moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1135.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator L. Madigan, Senate Bill No. 1303, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator L. Madigan moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

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The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1303.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dudycz, Senate Bill No. 1514, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dudycz moved that the Senate non-concur with the House in the adoption of their amendment to said bill.

The motion prevailed.

And the Senate non-concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1514.

Ordered that the Secretary inform the House of Representatives thereof.

#### HOUSE BILL RECALLED

On motion of Senator Philip, House Bill No. 2917 was recalled from the order of third reading to the order of second reading.

Senator Philip offered the following amendment and moved its adoption:

##### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2917 on page 1, immediately below line 5, by inserting the following:

"Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 2917, as amended, was returned to the order of third reading.

#### READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Philip, House Bill No. 2917 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 34; Nays 10; Present 8.

The following voted in the affirmative:

Bomke  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Dillard  
Donahue  
Geo-Karis  
Jacobs  
Jones, W.

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Karpiel  
 Klemm  
 Lauzen  
 Lightford  
 Madigan, R.  
 Munoz  
 Myers  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Ronen  
 Roskam  
 Shadid  
 Sieben  
 Silverstein  
 Sullivan  
 Viverito  
 Walsh, T.  
 Watson  
 Weaver  
 Mr. President

The following voted in the negative:

Link  
 Luechtefeld  
 Mahar  
 Noland  
 Obama  
 O'Malley  
 Syverson  
 Walsh, L.  
 Welch  
 Woolard

The following voted present:

Demuzio  
 Dudycz  
 Halvorson  
 Hawkinson  
 Hendon  
 Jones, E.  
 Madigan, L.  
 Shaw

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

#### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Cullerton, Senate Bill No. 28, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for

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immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpiel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Noland  
Obama  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Ronen  
Roskam  
Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson

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Weaver  
Welch  
Woolard  
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to Senate Bill No. 28.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, Senate Bill No. 527, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Burzynski moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays 1.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Karpel  
Klemm  
Lauzen  
Lightford  
Link  
Luechtefeld  
Madigan, L.  
Madigan, R.  
Mahar  
Molaro  
Munoz  
Myers  
Obama  
O'Malley  
Parker  
Peterson  
Petka  
Radogno  
Rauschenberger  
Ronen  
Roskam

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Shadid  
Shaw  
Sieben  
Silverstein  
Smith  
Sullivan  
Syverson  
Trotter  
Viverito  
Walsh, L.  
Walsh, T.  
Watson  
Welch  
Woolard  
Mr. President

The following voted in the negative:

Noland

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 527.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, Senate Bill No. 528, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Burzynski moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
Bowles  
Burzynski  
Clayborne  
Cronin  
Cullerton  
DeLeo  
del Valle  
Demuzio  
Dillard  
Donahue  
Dudycz  
Geo-Karis  
Halvorson  
Hawkinson  
Hendon  
Jacobs  
Jones, E.  
Jones, W.  
Karpel  
Klemm  
Lauzen  
Lightford

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Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 528.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Radogno, Senate Bill No. 858, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Radogno moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio

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Dillard  
 Donahue  
 Dudycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpier  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Ronen  
 Roskam  
 Shadid  
 Shaw  
 Sieben  
 Silverstein  
 Smith  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 858.

Ordered that the Secretary inform the House of Representatives thereof.

#### PRESENTATION OF RESOLUTIONS

Senator O'Malley offered the following Senate Resolution, which was referred to the Committee on Rules:

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## SENATE RESOLUTION NO. 162

WHEREAS, Development of Illinois' natural resources, especially its coal reserves, in an environmentally sound manner will stimulate the economy of this State, especially in the southern part of our State; and

WHEREAS, Illinois is currently in the process of transitioning from a fully regulated electric generation market into a competitive electric generation market; and

WHEREAS, Recent events in the western part of the United States have demonstrated the need to develop electric generation resources to ensure a reliable supply of electricity; and

WHEREAS, There is an increasing need for electricity and electric generation capacity within Illinois and surrounding states; and

WHEREAS, Illinois has the richest coal reserves in the nation and it is imperative that these coal reserves be developed and utilized; and

WHEREAS, It is paramount that any electric generating facilities built in Illinois use Illinois natural resources, especially Illinois coal, and protect the environment with the best available technology; and

WHEREAS, In preparing for the coming deregulated electric power generation market, Illinois must plan to take advantage of the environmentally sound use of its own natural resources, including Illinois coal; and

WHEREAS, Illinois has the opportunity to foster significant economic development within the State during the transition into a deregulated electric marketplace; and

WHEREAS, The development of power generation capacity raises concerns about the environmental impact of those power generation facilities; and

WHEREAS, Current federal regulations regarding emissions of nitrogen oxides and emission credits may impede development of necessary electric generation facilities; and

WHEREAS, Illinois' budget for nitrogen oxide emission allowances is limited due to the State's current reliance on nuclear power which will eventually be decommissioned and therefore, unavailable for generating electricity; and

WHEREAS, The development of clean coal technologies, including coal gasification, with the vast coal reserves within Illinois will enable Illinois to harvest the rewards of utilizing the proven coal reserves of this State and to support the further development of clean energy solutions utilizing our State's natural resources as the fuel; and

WHEREAS, President Bush has called for the development of a national energy policy; and

WHEREAS, Illinois is uniquely positioned to contribute to the development of that national energy policy through use of its extensive natural resources and coal reserves in an environmentally sound manner; and

WHEREAS, Some adjustments in Illinois' nitrogen oxide emission allowances established by the United States Environmental Protection Agency will be necessary to foster the development of electric generating facilities that utilize Illinois natural resources and coal reserves; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the United States Congress and the United States Environmental Protection Agency to increase Illinois' nitrogen oxide emission allowances budget; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to

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the President of the United States, the Vice President of the United States, the Administrator of the United States Environmental Protection Agency, the Governor of the State of Illinois, the members of the Illinois Congressional delegation, and the Speaker of the United States House of Representatives.

Senator O'Malley offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 163

WHEREAS, Access to an adequate supply of electric energy is of vital importance to the citizens of this State; and

WHEREAS, Recent events in California demonstrate the need for adequate electricity transmission capacity in this State; and

WHEREAS, The newly deregulated environment for the production of electricity is resulting in additional demand for transmission capacity; and

WHEREAS, Adequate electricity transmission capacity is essential to the health, safety, and economic well-being of the citizens of this State; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Commerce Commission, the Department of Commerce and Community Affairs, and the Department of Transportation jointly conduct a study of electricity transmission capacity in this State; and be it further

RESOLVED, That the study include an analysis of the existing electricity transmission capacity in this State, a determination of the areas of the State where additional transmission capacity is needed, a determination of the areas of this State where additional demand for electricity may occur, the feasibility of establishing a North-South transmission corridor, and an estimate of the cost of implementing the recommendations contained in the study; and be it further

RESOLVED, That the Illinois Commerce Commission, the Department of Commerce and Community Affairs, and the Department of Transportation report their findings and recommendations to the General Assembly by October 1, 2001; and be it further

RESOLVED, That a copy of this resolution be delivered to the Chairman of the Illinois Commerce Commission, the Director of Commerce and Community Affairs, and the Secretary of Transportation.

Senator Dillard offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 164

WHEREAS, The Baltic States of Estonia, Latvia, and Lithuania are free, democratic, and independent nations with a long and proud history; and

WHEREAS, The North Atlantic Treaty Organization (NATO) is dedicated to the preservation of the freedom and security of its member nations; and

WHEREAS, The Baltic States of Estonia, Latvia, and Lithuania desire to share in both the benefits and obligations of NATO in pursuing the development, growth, and promotion of democratic institutions and ensuring free market economic development; and

WHEREAS, Those nations recognize their responsibilities as democratic nations and wish to exercise these responsibilities in concert with members of NATO; and

WHEREAS, The Baltic States desire to become part of NATO's efforts to prevent the extremes of nationalism; and

[May 23, 2001]

WHEREAS, The security of the United States is dependent upon the stability of central Europe; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we support the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty Organization; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President of the United States, the President pro tempore of the U.S. Senate, the Committee on Foreign Relations of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Committee on International Relations of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

Senator Shaw offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

#### SENATE JOINT RESOLUTION NO. 40

WHEREAS, The cities of Gary and Chicago, with the approval and participation of the State of Indiana, have formed an interstate compact; and

WHEREAS, This compact created the Chicago/Gary Regional Airport Authority, which has as its purpose the enhancement of the existing airports owned and operated by these cities; and

WHEREAS, The Authority is charged with monitoring aviation capacity for the region, including studying the need for a supplemental airport; and

WHEREAS, A consensus exists among the members of the compact that today there is not a need for a supplemental airport because the existing airport infrastructure can accommodate the region's forecasted air capacity demand for the foreseeable future; and

WHEREAS, The Gary/Chicago Airport, with its available facilities, provides a prudent and economical approach for the development of additional regional airport capacity during this period of limited federal financial assistance for the national air transportation system; and

WHEREAS, The construction of a supplemental regional airport in Illinois would negatively affect funds otherwise available for airport improvements at existing Indiana and Illinois airports and would cause a tremendous strain on current local infrastructure; and

WHEREAS, The Gary/Chicago Airport is currently creating a master plan for its future development as evidenced by the commencement of commercial air carrier service by Pan Am Airlines, and other airlines have expressed interest in commencing service in Gary; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly wishes to express its continued support for the Gary/Chicago Airport, the Chicago/Gary Regional Airport Authority, and the consequent economic benefits to northwestern Indiana and northeastern Illinois, and particularly the Southwestern suburbs of Chicago, and requests that Chicago State University conduct a study to determine how to better market to the airlines the greater utilization of the Gary/Chicago Airport; and be it further

RESOLVED, That a copy of this resolution be presented to the President of Chicago State University and the Board of the Chicago/Gary Regional Airport Authority.

#### SENATE RESOLUTION NO. 165

Offered by Senator Clayborne and all Senators:

[May 23, 2001]

Mourns the death of Ava Alois Blandon.

The foregoing resolution was referred to the Resolutions Consent Calendar.

#### JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 95  
 Motion to Concur in House Amendment 1 to Senate Bill 281  
 Motion to Concur in House Amendment 1 to Senate Bill 406  
 Motion to Concur in House Amendment 1 to Senate Bill 417  
 Motion to Concur in H.A.'s 1 and 2 to Senate Bill 725

#### LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Resolutions listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Joint Resolution 28  
 Senate Amendment No. 1 to Senate Resolution 152

At the hour of 12:47 o'clock p.m., the Chair announced that the Senate stand at recess until 3:00 o'clock p.m.

#### AFTER RECESS

At the hour of 3:35 o'clock p.m., the Senate resumed consideration of business.

Honorable James "Pate" Philip, President of the Senate, presiding.

#### LEGISLATIVE MEASURE FILED

The following floor amendment to the Senate Resolution listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Resolution 147

#### JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 1522

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

[May 23, 2001]



A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 20

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 11-501.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 20

House Amendment No. 2 to SENATE BILL NO. 20

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

## AMENDMENT NO. 1 TO SENATE BILL 20

AMENDMENT NO. 1. Amend Senate Bill 20 on page 4, by replacing lines 30 through 34 with the following:

"(E) the person, in committing a violation of paragraph (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of paragraph (a) was a proximate cause of the bodily harm."; and  
 on page 5, by deleting lines 1 through 3.

## AMENDMENT NO. 2 TO SENATE BILL 20

AMENDMENT NO. 2. Amend Senate Bill 20 on page 5, by replacing lines 4 through 15 with the following:

"(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For which--a--person,--if sentenced--to--a term of imprisonment,--shall be sentenced to not less than one--year--and--not--more--than--3--years--for--a--violation--of--subparagraph--(A)--(B)--or--(D)--of paragraph--(1)--of this subsection--(d)--and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than 12 years. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction."

Under the rules, the foregoing Senate Bill No. 20, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

## SENATE BILL NO. 373

A bill for AN ACT to amend the Children and Family Services Act.

[May 23, 2001]

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 373  
House Amendment No. 2 to SENATE BILL NO. 373

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 373

AMENDMENT NO. 1. Amend Senate Bill 373 on page 1, by replacing line 1 with the following:

"AN ACT concerning children."; and

on page 6, immediately below line 11, by inserting the following:

"Section 10. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-480 as follows:

(20 ILCS 2605/2605-480 new)

Sec. 2605-480. Statewide kidnapping alert program. The Department of State Police shall develop a coordinated program for a statewide emergency alert system when a child is missing or kidnapped."

AMENDMENT NO. 2 TO SENATE BILL 373

AMENDMENT NO. 2. Amend Senate Bill 373, AS AMENDED, by replacing the title with the following:

"AN ACT concerning children."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 1.02 as follows:

(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission, ethics officer, or ultimate jurisdictional authority acting under the State Gift Ban Act as provided by Section 80 of that Act.

(Source: P.A. 90-517, eff. 8-22-97; 90-737, eff. 1-1-99; 91-782, eff. 6-9-00.)

Section 10. The Freedom of Information Act is amended by changing Section 2 as follows:

(5 ILCS 140/2) (from Ch. 116, par. 202)

(Text of Section before amendment by P.A. 91-935)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive,

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administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code and (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at

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regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97; 90-670, eff. 7-31-98.)

(Text of Section after amendment by P.A. 91-935)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p) of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii)

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records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals, a news service, a radio station, a television station, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 90-144, eff. 7-23-97; 90-670, eff. 7-31-98; 91-935, eff. 6-1-01.)

Section 15. The Children and Family Services Act is amended by changing Section 5.15 as follows:

(20 ILCS 505/5.15)

Sec. 5.15. Daycare; Department of Human Services.

(a) For the purpose of ensuring effective statewide planning, development, and utilization of resources for the day care of children, operated under various auspices, the Department of Human Services is designated to coordinate all day care activities for children of the State and shall develop or continue, and shall update every year, a State comprehensive day-care plan for submission to the Governor that identifies high-priority areas and groups, relating them to available resources and identifying the most effective approaches to the use of existing day care services. The State comprehensive day-care plan shall be made available to the General Assembly following the Governor's approval of the plan.

The plan shall include methods and procedures for the development of additional day care resources for children to meet the goal of reducing short-run and long-run dependency and to provide necessary enrichment and stimulation to the education of young children. Recommendations shall be made for State policy on optimum use of private and public, local, State and federal resources, including an estimate of the resources needed for the licensing and regulation of day care facilities.

A written report shall be submitted to the Governor and the General Assembly annually on April 15. The report shall include an evaluation of developments over the preceding fiscal year, including cost-benefit analyses of various arrangements. Beginning with the report in 1990 submitted by the Department's predecessor agency and every 2 years thereafter, the report shall also include the following:

(1) An assessment of the child care services, needs and available resources throughout the State and an assessment of the adequacy of existing child care services, including, but not limited to, services assisted under this Act and under any other program administered by other State agencies.

(2) A survey of day care facilities to determine the number

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of qualified caregivers, as defined by rule, attracted to vacant positions and any problems encountered by facilities in attracting and retaining capable caregivers. The report shall include an assessment, based on the survey, of improvements in employee benefits that may attract capable caregivers.

(3) The average wages and salaries and fringe benefit packages paid to caregivers throughout the State, computed on a regional basis, compared to similarly qualified employees in other but related fields.

(4) The qualifications of new caregivers hired at licensed day care facilities during the previous 2-year period.

(5) Recommendations for increasing caregiver wages and salaries to ensure quality care for children.

(6) Evaluation of the fee structure and income eligibility for child care subsidized by the State.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives, the President, the Minority Leader, and the Secretary of the Senate, and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(b) The Department of Human Services shall establish policies and procedures for developing and implementing interagency agreements with other agencies of the State providing child care services or reimbursement for such services. The plans shall be annually reviewed and modified for the purpose of addressing issues of applicability and service system barriers.

(c) In cooperation with other State agencies, the Department of Human Services shall develop and implement, or shall continue, a resource and referral system for the State of Illinois either within the Department or by contract with local or regional agencies. Funding for implementation of this system may be provided through Department appropriations or other inter-agency funding arrangements. The resource and referral system shall provide at least the following services:

(1) Assembling and maintaining a data base on the supply of child care services.

(2) Providing information and referrals for parents.

(3) Coordinating the development of new child care resources.

(4) Providing technical assistance and training to child care service providers.

(5) Recording and analyzing the demand for child care services.

(d) The Department of Human Services shall conduct day care planning activities with the following priorities:

(1) Development of voluntary day care resources wherever possible, with the provision for grants-in-aid only where demonstrated to be useful and necessary as incentives or supports. By January 1, 2002, the Department shall design a plan to create more child care slots as well as goals and timetables to improve quality and accessibility of child care.

(2) Emphasis on service to children of recipients of public assistance when such service will allow training or employment of the parent toward achieving the goal of independence.

(3) (Blank). ~~Maximum-employment-of--recipients--of--public assistance--in--day--care-centers-and-day-care-homes,-operated-in~~

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~~conjunction with short-term work training programs.~~

(4) Care of children from families in stress and crises whose members potentially may become, or are in danger of becoming, non-productive and dependent.

(5) Expansion of family day care facilities wherever possible.

(6) Location of centers in economically depressed neighborhoods, preferably in multi-service centers with cooperation of other agencies. The Department shall coordinate the provision of grants, but only to the extent funds are specifically appropriated for this purpose, to encourage the creation and expansion of child care centers in high need communities to be issued by the State, business, and local governments.

(7) Use of existing facilities free of charge or for reasonable rental whenever possible in lieu of construction.

(8) Development of strategies for assuring a more complete range of day care options, including provision of day care services in homes, in schools, or in centers, which will enable a parent or parents to complete a course of education or obtain or maintain employment and the creation of more child care options for swing shift, evening, and weekend workers and for working women with sick children. The Department shall encourage companies to provide child care in their own offices or in the building in which the corporation is located so that employees of all the building's tenants can benefit from the facility.

(9) Development of strategies for subsidizing students pursuing degrees in the child care field.

(10) Continuation and expansion of service programs that assist teen parents to continue and complete their education.

Emphasis shall be given to support services that will help to ensure such parents' graduation from high school and to services for participants in any programs the--Project--Chance--program of job training conducted by the Department.

(e) The Department of Human Services shall actively stimulate the development of public and private resources at the local level. It shall also seek the fullest utilization of federal funds directly or indirectly available to the Department.

Where appropriate, existing non-governmental agencies or associations shall be involved in planning by the Department.

(f) To better accommodate the child care needs of low income working families, especially those who receive Temporary Assistance for Needy Families (TANF) or who are transitioning from TANF to work, or who are at risk of depending on TANF in the absence of child care, the Department shall complete a study using outcome-based assessment measurements to analyze the various types of child care needs, including but not limited to: child care homes; child care facilities; before and after school care; and evening and weekend care. Based upon the findings of the study, the Department shall develop a plan by April 15, 1998, that identifies the various types of child care needs within various geographic locations. The plan shall include, but not be limited to, the special needs of parents and guardians in need of non-traditional child care services such as early mornings, evenings, and weekends; the needs of very low income families and children and how they might be better served; and strategies to assist child care providers to meet the needs and schedules of low income families.

(Source: P.A. 89-507, eff. 7-1-97; 90-236, eff. 7-28-97; 90-590, eff. 1-1-99.)

Section 20. The Child Death Review Team Act is amended by

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changing Sections 10, 15, 30, and 35 and by adding Section 40 as follows:

(20 ILCS 515/10)

Sec. 10. Definitions. As used in this Act, unless the context requires otherwise:

"Child" means any person under the age of 18 years unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Department" means the Department of Children and Family Services.

"Director" means the Director of Children and Family Services.

"Executive Council" means the Illinois Child Death Review Teams Executive Council.

(Source: P.A. 90-239, eff. 7-28-97.)

(20 ILCS 515/15)

Sec. 15. Child death review teams; establishment.

(a) The Director, in consultation with the Executive Council, law enforcement, and other professionals who work in the field of investigating, treating, or preventing child abuse or neglect in that subregion, shall appoint members to a child death review team in each of the Department's administrative subregions of the State outside Cook County and at least one child death review team in Cook County. The members of a team shall be appointed for 2-year terms and shall be eligible for reappointment upon the expiration of the terms.

(b) Each child death review team shall consist of at least one member from each of the following categories:

(1) Pediatrician or other physician knowledgeable about child abuse and neglect.

(2) Representative of the Department.

(3) State's attorney or State's attorney's representative.

(4) Representative of a local law enforcement agency.

(5) Psychologist or psychiatrist.

(6) Representative of a local health department.

(7) Representative of a school district or other education or child care interests.

(8) Coroner or forensic pathologist.

(9) Representative of a child welfare agency or child advocacy organization.

(10) Representative of a local hospital, trauma center, or provider of emergency medical services.

Each child death review team may make recommendations to the Director concerning additional appointments.

Each child death review team member must have demonstrated experience and an interest in investigating, treating, or preventing child abuse or neglect.

(c) Each child death review team shall select a chairperson from among its members. The chairperson shall also serve on the Illinois Child Death Review Teams Executive Council.

(Source: P.A. 88-614, eff. 9-7-94.)

(20 ILCS 515/30)

Sec. 30. Public access to information.

(a) Meetings of the child death review teams and the Executive Council shall be closed to the public. Meetings of the child death review teams and the Executive Council are not subject to the Open Meetings Act (5 ILCS 120/1-et-seq-), as provided in that Act.

(b) Records and information provided to a child death review team and the Executive Council, and records maintained by a team or the Executive Council, are confidential and not subject to the Freedom of Information Act (5 ILCS 140/1-et-seq-), as provided in that Act.

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Nothing contained in this subsection (b) prevents the sharing or disclosure of records, other than those produced by a Child Death Review Team or the Executive Council, relating or pertaining to the death of a minor under the care of or receiving services from the Department of Children and Family Services and under the jurisdiction of the juvenile court with the juvenile court, the State's Attorney, and the minor's attorney.

(c) Members of a child death review team and the Executive Council are not subject to examination, in any civil or criminal proceeding, concerning information presented to members of the team or the Executive Council or opinions formed by members of the team or the Executive Council based on that information. A person may, however, be examined concerning information provided to a child death review team or the Executive Council that is otherwise available to the public.

(d) Records and information produced by a child death review team and the Executive Council are not subject to discovery or subpoena and are not admissible as evidence in any civil or criminal proceeding. Those records and information are, however, subject to discovery or a subpoena, and are admissible as evidence, to the extent they are otherwise available to the public.

(Source: P.A. 90-15, eff. 6-13-97)

(20 ILCS 515/35)

Sec. 35. Indemnification. The State shall indemnify and hold harmless members of a child death review team and the Executive Council for all their acts, omissions, decisions, or other conduct arising out of the scope of their service on the team or Executive Council, except those involving willful or wanton misconduct. The method of providing indemnification shall be as provided in the State Employee Indemnification Act (5 ILCS 350/1 et seq.).

(Source: P.A. 88-614, eff. 9-7-94.)

(20 ILCS 515/40 new)

Sec. 40. Illinois Child Death Review Teams Executive Council.

(a) The Illinois Child Death Review Teams Executive Council, consisting of the chairpersons of the 9 child death review teams in Illinois, is the coordinating and oversight body for child death review teams and activities in Illinois. The vice-chairperson of a child death review team, as designated by the chairperson, may serve as a back-up member or an alternate member of the Executive Council, if the chairperson of the child death review team is unavailable to serve on the Executive Council. The Inspector General of the Department, ex officio, is a non-voting member of the Executive Council. The Director may appoint to the Executive Council any ex-officio members deemed necessary. Persons with expertise needed by the Executive Council may be invited to meetings. The Executive Council must select from its members a chairperson and a vice-chairperson, each to serve a 2-year, renewable term.

The Executive Council must meet at least 4 times during each calendar year.

(b) The Department must provide or arrange for the staff support necessary for the Executive Council to carry out its duties. The Director, in cooperation and consultation with the Executive Council, shall appoint, reappoint, and remove team members.

(c) The Executive Council has, but is not limited to, the following duties:

(1) To serve as the voice of child death review teams in Illinois.

(2) To oversee the regional teams in order to ensure that the teams' work is coordinated and in compliance with the statutes and the operating protocol.

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(3) To ensure that the data, results, findings, and recommendations of the teams are adequately used to make any necessary changes in the policies, procedures, and statutes in order to protect children in a timely manner.

(4) To collaborate with the General Assembly, the Department, and others in order to develop any legislation needed to prevent child fatalities and to protect children.

(5) To assist in the development of quarterly and annual reports based on the work and the findings of the teams.

(6) To ensure that the regional teams' review processes are standardized in order to convey data, findings, and recommendations in a usable format.

(7) To serve as a link with child death review teams throughout the country and to participate in national child death review team activities.

(8) To develop an annual statewide symposium to update the knowledge and skills of child death review team members and to promote the exchange of information between teams.

(9) To provide the child death review teams with the most current information and practices concerning child death review and related topics.

(10) To perform any other functions necessary to enhance the capability of the child death review teams to reduce and prevent child injuries and fatalities.

(d) In any instance when a child death review team does not operate in accordance with established protocol, the Director, in consultation and cooperation with the Executive Council, must take any necessary actions to bring the team into compliance with the protocol.

Section 25. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-480 as follows:

(20 ILCS 2605/2605-480 new)

Sec. 2605-480. Statewide kidnapping alert program. The Department of State Police shall develop a coordinated program for a statewide emergency alert system when a child is missing or kidnapped.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 373, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 699

A bill for AN ACT concerning highways.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the

[May 23, 2001]

Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 699

House Amendment No. 2 to SENATE BILL NO. 699

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 699

AMENDMENT NO. 1. Amend Senate Bill 699 as follows:

on page 4, by replacing lines 8 through 34 with the following:

"(f) Any ditches, drains, track, rails, poles, wires, pipe line, or other equipment located, placed, or constructed upon, under, or along a State highway with the consent of the appropriate State highway authority under this Section shall, upon written notice by the appropriate State highway authority, be subject to removal, relocation, or modification at no expense to the appropriate State highway authority when and as deemed necessary by the appropriate State highway authority for highway or highway safety purposes. If, within 60 days after receipt of such written notice, arrangements are not made satisfactory to the appropriate State highway authority for such removal, relocation, or modification, the appropriate State highway authority may remove, relocate, or modify such ditches, drains, track, rails, poles, wires, pipe line, or other equipment and bill the owner thereof for the total cost of such removal, relocation, or modification. The appropriate State highway authority shall determine the terms of payment of those costs provided that all costs billed by the appropriate State highway authority shall not be made payable over more than a 5 year period from the date of billing. This paragraph shall not be construed to prohibit the appropriate State highway authority from paying any part of the cost of removal, relocation, or modification where such payment is otherwise provided for by State or federal statute or regulation. If 90 days after written notice was given, the ditches, drains, track, rails, poles, pipe line, or other equipment have not been removed, relocated, or modified to the satisfaction of the appropriate highway authority, the owner of the drains, track, rails, poles, pipe line, or other equipment located along the highway is in breach of the written consent and is subject to liquidated damages of not more than \$500 per day."; and

on page 5, by deleting lines 1 through 9.

AMENDMENT NO. 2 TO SENATE BILL 699

AMENDMENT NO. 2. Amend Senate Bill 699, AS AMENDED, as follows:

in Section 5, Sec. 9-113, by replacing subsection (b) with the following:

"(b) The State and county highway authorities are ~~authority--is~~ authorized to promulgate reasonable and necessary rules, regulations, and specifications for State highways for the administration of this Section. In addition to rules promulgated under this subsection (b), the State highway authority shall and a county highway authority may adopt coordination strategies and practices designed and intended to establish and implement effective communication respecting planned highway projects that the State or county highway authority believes may require removal, relocation, or modification in accordance with subsection (f) of this Section. The strategies and practices adopted shall include but need not be limited to the delivery of 5 year programs, annual programs, and the establishment of coordination councils in the locales and with the utility participation that will best facilitate and accomplish the requirements of the State and county highway authority acting under subsection (f) of this Section.

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The utility participation shall include assisting the appropriate highway authority in establishing a schedule for the removal, relocation, or modification of the owner's facilities in accordance with subsection (f) of this Section. In addition, each utility shall designate in writing to the Secretary of Transportation or his or her designee an agent for notice and the delivery of programs. The coordination councils must be established on or before January 1, 2002. The 90 day deadline for removal, relocation, or modification of the ditches, drains, track, rails, poles, wires, pipe line, or other equipment in subsection (f) of this Section shall be enforceable upon the establishment of a coordination council in the district or locale where the property in question is located. The coordination councils organized by a county highway authority shall include the county engineer, the County Board Chairman or his or her designee, and with such utility participation as will best facilitate and accomplish the requirements of a highway authority acting under subsection (f) of this Section. Should a county highway authority decide not to establish coordination councils, the 90 day deadline for removal, relocation, or modification of the ditches, drains, track, rails, poles, wires, pipe line, or other equipment in subsection (f) of this Section shall be waived for those highways."; and

in Section 5, Sec. 9-113, by replacing subsection (f) with the following:

"(f) Any ditches, drains, track, rails, poles, wires, pipe line, or other equipment located, placed, or constructed upon, under, or along a State highway with the consent of the State or county highway authority under this Section shall, upon written notice by the State or county highway authority be removed, relocated, or modified by the owner, the owner's agents, contractors, or employees subject--to removal,--relocation--or--modification at no expense to the State or county highway authority when and as deemed necessary by the State or county highway authority for highway or highway safety purposes. The notice shall be properly given after the completion of engineering plans, the receipt of the necessary permits issued by the appropriate State and county highway authority to begin work, and the establishment of sufficient rights-of-way for a given utility authorized by the State or county highway authority to remain on the highway right-of-way such that the unit of local government or other owner of any facilities receiving notice in accordance with this subsection (f) can proceed with relocating, replacing, or reconstructing the ditches, drains, track, rails, poles, wires, pipe line, or other equipment. If a permit application to relocate on a public right-of-way is not filed within 15 days of the receipt of final engineering plans, the notice precondition of a permit to begin work is waived. However, under no circumstances shall this notice provision be construed to require the State or any government department or agency to purchase additional rights-of-way to accommodate utilities. If, within 90 60 days after receipt of such written notice, the ditches, drains, track, rails, poles, wires, pipe line, or other equipment have not been removed, relocated, or modified to the reasonable satisfaction of the State or county highway authority, or if arrangements are not made satisfactory to the State or county highway authority for such removal, relocation, or modification, the State or county highway authority may remove, relocate, or modify such ditches, drains, track, rails, poles, wires, pipe line, or other equipment and bill the owner thereof for the total cost of such removal, relocation, or modification. The scope of the project shall be taken into consideration by the State or county highway authority in determining satisfactory arrangements.

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The State or county highway authority shall determine the terms of payment of those costs provided that all costs billed by the State or county highway authority shall not be made payable over more than a 5 year period from the date of billing. The State and county highway authority shall have the power to extend the time of payment in cases of demonstrated financial hardship by a unit of local government or other public owner of any facilities removed, relocated, or modified from the highway right-of-way in accordance with this subsection (f). This paragraph shall not be construed to prohibit the State or county highway authority from paying any part of the cost of removal, relocation, or modification where such payment is otherwise provided for by State or federal statute or regulation. At any time within 90 days after written notice was given, the owner of the drains, track, rails, poles, wires, pipe line, or other equipment may request the district engineer or, if appropriate, the county engineer for a waiver of the 90 day deadline. The appropriate district or county engineer shall make a decision concerning waiver within 10 days of receipt of the request and may waive the 90 day deadline if he or she makes a written finding as to the reasons for waiving the deadline. Reasons for waiving the deadline shall be limited to acts of God, war, the scope of the project, the State failing to follow the proper notice procedure, and any other cause beyond reasonable control of the owner of the facilities. Waiver must not be unreasonably withheld. If 90 days after written notice was given, the ditches, drains, track, rails, poles, wires, pipe line, or other equipment have not been removed, relocated, or modified to the satisfaction of the State or county highway authority, no waiver of deadline has been requested or issued by the appropriate district or county engineer, and no satisfactory arrangement has been made with the appropriate State or county highway authority, the State or county highway authority or the general contractor of the building project may file a complaint in the circuit court for an emergency order to direct and compel the owner to remove, relocate, or modify the drains, track, rails, poles, wires, pipe line, or other equipment to the satisfaction of the appropriate highway authority. The complaint for an order shall be brought in the circuit in which the subject matter of the complaint is situated or, if the subject matter of the complaint is situated in more than one circuit, in any one of those circuits."; and

in Section 5, Sec. 9-113, by replacing subsection (h) with the following:

"(h) Upon receipt of an application therefor, consent to so use a highway may be granted subject to such terms and conditions not inconsistent with this Code as the highway authority deems for the best interest of the public. The terms and conditions required by the appropriate highway authority may include but need not be limited to participation by the party granted consent in the strategies and practices adopted under subsection (b) of this Section. The petitioner shall pay to the owners of property abutting upon the affected highways established as though by common law plat all damages the owners may sustain by reason of such use of the highway, such damages to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain."; and

in Section 5, Sec. 9-113, below the last line of subsection (l), by inserting the following:

"(m) The provisions of this Section apply to all permits issued by the Department of Transportation and the appropriate State or county highway authority.".

Under the rules, the foregoing Senate Bill No. 699, with House

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Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 846

A bill for AN ACT concerning strategic planning.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 846

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 846

AMENDMENT NO. 1. Amend Senate Bill 846 on page 1, immediately below line 3, by inserting the following:

"Section 3. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Section 605-75 as follows:

(20 ILCS 605/605-75)

Sec. 605-75. Keep Illinois Beautiful.

(a) There is created the Keep Illinois Beautiful Program Advisory Board consisting of 7 members appointed by the Director of Commerce and Community Affairs. Of those 7, 4 shall be appointed from a list of at least 10 names submitted by the boards of directors from the various certified community programs. Each certified community program may submit only one recommendation to be considered by the Director. The Director of Commerce and Community Affairs or his or her designee shall be a member and serve as Chairman. The Board shall meet at least annually at the discretion of the Chairman and at such other times as the Chairman or any 4 members consider necessary. Four members shall constitute a quorum.

(b) The purpose of the Board shall be to assist local governments and community organizations in:

(1) Educating the public about the need for recycling and reducing solid waste.

(2) Promoting the establishment of recycling and programs that reduce litter and other solid waste through re-use and diversion.

(3) Developing local markets for recycled products.

(4) Cooperating with other State agencies and with local governments having environmental responsibilities.

(5) Seeking funding from governmental and non-governmental sources.

(6) Beautification projects.

(c) The Department of Commerce and Community Affairs shall assist local governments and community organizations that plan to implement programs set forth in subsection (b). The Department shall establish guidelines for the certification of local governments and community organizations.

The Department may encourage local governments and community organizations to apply for certification of programs by the Board. However, the Department shall give equal consideration to newly certified programs and older certified programs.

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(d) The Keep Illinois Beautiful Fund is created as a special fund in the State treasury. Moneys from any public or private source may be deposited into the Keep Illinois Beautiful Fund. Moneys in the Keep Illinois Beautiful Fund shall be appropriated only for the purposes of this Section. Pursuant to action by the Board, the Department of Commerce and Community Affairs may authorize grants from moneys appropriated from the Keep Illinois Beautiful Fund for certified community based programs for up to 50% of the cash needs of the program; provided, that at least 50% of the needs of the program shall be contributed to the program in cash, and not in kind, by local sources.

Moneys appropriated for certified community based programs in municipalities of more than 1,000,000 population shall be itemized separately and may not be disbursed to any other community.

(e) On the effective date of this amendatory Act of the 91st General Assembly, the Lieutenant Governor shall transfer to the Department of Commerce and Community Affairs, and the Department shall receive, all assets and property possessed by the Lieutenant Governor under this Section and all liabilities and obligations for which the Lieutenant Governor was responsible under this Section. Nothing in this subsection affects the validity of certifications and grants issued under this Section before the effective date of this amendatory Act of the 91st General Assembly.

(Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00; 91-853, eff. 7-1-00.)".

Under the rules, the foregoing Senate Bill No. 846, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 887

A bill for AN ACT concerning title insurance.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 887

House Amendment No. 2 to SENATE BILL NO. 887

House Amendment No. 3 to SENATE BILL NO. 887

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 887

AMENDMENT NO. 1. Amend Senate Bill 887 by replacing everything after the enacting clause with the following:

"Section 5. The Title Insurance Act is amended by changing Sections 4, 5, 6, 9, 11, 12, 13, 14, 16, 17, 21, 23, and 25 and adding Sections 21.1, 21.2, and 21.3 as follows:

(215 ILCS 155/4) (from Ch. 73, par. 1404)

Sec. 4. Deposit and surety bonds.

(a) Before doing business in this State, a title insurance company must deposit with the Department bonds of the United States or this State with a then current value of \$100,000 plus \$50,000 for each county, more than one, in which the real estate, upon which its

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policies are issued, is located, to a maximum amount of \$750,000. A title insurance company guaranteeing or insuring titles to real estate in counties having 500,000 or more inhabitants must deposit with the Department bonds of the United States or this State with a then current value of \$750,000. A title insurance company that has deposited \$750,000 in bonds with the Department is entitled to guarantee or insure titles in any or all counties of the State. All deposits shall be held for the benefit of any insured under a policy the title insurance company issued or any named party to a written escrow the title insurance company accepted. The deposit shall not be otherwise pledged or subject to distribution among creditors or stockholders.

In addition, before doing business in this State, a title insurance company must file with and have approved by the Director a surety bond issued by a bonding company, in which the company has no financial interest, that is authorized to do business in this State and that has a rating of one of the 3 highest grades as determined by a national rating service. The bond shall be in the principal sum of \$350,000 and shall run to the Director to pay any expenses incident to a receivership or involuntary liquidation action pursuant to Section 21.1 of this Act. Instead of a surety bond and upon the title insurance company demonstrating good cause, the Director may approve the deposit of bonds of the United States or this State with a then current value of \$350,000.

(b) The Director may provide for custody of the deposits by any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act. The compensation, if any, of the custodian shall be paid by the depositing company. When the required deposits have been made by a title insurance company, the Director shall certify that the company has complied with the provisions of this Section and is authorized to transact the business of insuring and guaranteeing titles to real estate.

(c) If, at any time, a title insurance company causes all of its unexpired policies, escrow deposits, and reinsurance obligations in Illinois to be paid in full, cancelled, discharged, reinsured, or otherwise assumed by another title insurance company authorized to do business under this Act, the Director shall, upon application of the company, verified by the oath of its president or secretary, and upon being satisfied by an examination of its books and its officers under oath that all of its policies are paid in full, cancelled, discharged, reinsured, or otherwise assumed, authorize the release of any deposit or surety bond posted under this Section.

(d) The Director may revoke the certificate of a company that fails to maintain the surety bond or deposit required by this Section. The Director shall give notice of that revocation to the company as provided by this Act, and during the time of the revocation, the company may not conduct a title insurance business. A revocation shall not be set aside until a good and sufficient bond or deposit, or both, has been filed with the Department and the company has fulfilled all requirements of this Act.

(a)--Every--title--insurance--company--licensed--or--qualified--to--do--business--in--this--State--shall--within--30--days--after--the--effective--date--of--this--Act--or--within--30--days--after--incorporated--or--licensed--to--do--business--whichever--is--later--deposit--with--the--Department--for--the--benefit--of--the--creditors--of--the--company--by--reason--of--any--policy--issued--by--it--bonds--of--the--United--States--this--State--or--any--body--politic--of--this--State--in--amounts--as--specified--in--subsection--(b)---The--bonds--and--securities--so--deposited--may--be--exchanged--for--other--such--securities---No--such--bond--or--security--shall--be--sold--or--transferred--by--the--Director--except--on--order--of--the--circuit--court--or--as--provided--in

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subsection (d).--As long as the company depositing such securities remains solvent, the company shall be permitted to receive from the Director the interest on such deposit.

(b)--Every title insurance company shall deposit bonds or securities in the sum of \$50,000 plus \$5,000 for each county, more than one, in which the real estate, upon which such policies are issued, is located, to a maximum deposit of \$500,000. Every title insurance company guaranteeing or insuring titles to real estate in counties having 500,000 or more inhabitants shall deposit securities with the Department in the sum of \$500,000. Any title insurance company having deposited \$500,000 in securities with the Department shall be entitled to guarantee or insure titles in any or all counties of the State.

(c)--The Director may provide for custody of such securities by any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, as now or hereafter amended. The compensation, if any, of such custodian shall be paid by the depositing company. When the required deposit has been made by a title insurance company, the Director shall certify that it has complied with the provisions of this Section and is authorized to transact the business of insuring and guaranteeing titles to real estate.

(d)--If a title insurance company shall at any time cause all of its unexpired policies to be paid, cancelled or reinsured and all of its liabilities under such policies thereby to be extinguished, or to be assumed by some surety or other responsible company authorized to do business in this State, the Director shall, on application of such company, verified by the oath of its president or secretary and on being satisfied by an examination of its books and its officers under oath that all of its policies are so paid, cancelled, extinguished or reinsured, deliver up to it such securities.

(Source: P.A. 86-239.)

(215 ILCS 155/5) (from Ch. 73, par. 1405)

Sec. 5. Certificate of authority required. It is unlawful shall not be lawful for any company to engage or to continue in the business of guaranteeing or insuring titles to real estate, without first procuring from the Director a certificate of authority stating that the such-a company has complied with the requirements of Section 4 of this Act. If any company shall fail to maintain a deposit as required by this Act, the Director may revoke the certificate of authority granted on behalf of such company. The Director shall mail a copy of that revocation to the company and during the time of such revocation the company shall not conduct such business. A revocation shall not be set aside until a good and sufficient deposit shall have been made with the Department, fulfilling all the requirements of this Act.

(Source: P.A. 86-239.)

(215 ILCS 155/6) (from Ch. 73, par. 1406)

Sec. 6. Reinsurance; primary liability.

(a) A title insurance company may obtain reinsurance for all or any part of its liability under one or more of its title insurance policies or reinsurance agreements and may also reinsure title insurance policies issued by other title insurance companies on risks located in this State or elsewhere.

(b) A title insurance company licensed to do business in this State shall retain at least \$25,000 of primary liability for policies it issues for the first 5 years after the date of the policy, unless otherwise authorized by the Director.

(Source: P.A. 86-239.)

(215 ILCS 155/9) (from Ch. 73, par. 1409)

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Sec. 9. Impairment of capital; discontinuance of issuance of new policies; penalty.

(a) Whenever the capital of a any title insurance company authorized to do business under this Act ~~is shall be~~ determined by the ~~eireuit court, upon the application of the~~ Director, to ~~be~~ have become impaired to the extent of 25% of the capital same, or to have otherwise become unsafe, it ~~shall be the duty of~~ the Director may to cancel the authority of ~~the~~ such company to do business.

(b) The Director shall give notice as provided by this Act to the such company to discontinue doing business ~~issuing--new--policies~~ until its such capital has been made good.

(c) Any officer or management employee who continues to do business ~~issues a new policy of title insurance~~ on behalf of a such company after a such notice to discontinue doing business, and before its until--such capital has been made good, may shall, for each offense, be subjected to a civil penalty as provided by this Act ~~forfeit a sum not exceeding \$1,000.~~

(Source: P.A. 86-239.)

(215 ILCS 155/11) (from Ch. 73, par. 1411)

Sec. 11. Statutory premium reserve.

(a) A domestic title insurance company shall establish and maintain a statutory premium reserve computed in accordance with this Section. The reserve shall be reported as a liability of the title insurance company in its financial statements. The statutory premium reserve shall be maintained by the title insurance company for the protection of holders of title insurance policies. Except as provided in this Section, assets equal in value to the statutory premium reserve are not subject to distribution among creditors or stockholders of the title insurance company until all claims of policyholders or claims under reinsurance contracts have been paid in full, ~~--and all liability on the policies or reinsurance contracts has been paid in full~~ and discharged, or lawfully reinsured, or otherwise assumed by another title insurance company authorized to do business under this Act.

(b) A foreign or alien title insurance company authorized to do business under this Act shall maintain at least the same reserves on title insurance policies issued on properties located in this State as are required of domestic title insurance companies.

(c) The statutory premium reserve shall consist of:

(1) the amount of the statutory premium reserve on January 1, 1990; and

(2) a sum equal to 12 1/2 cents for each \$1,000 of net retained liability under each title insurance policy on a single risk written on properties located in this State after January 1, 1990.

(d) Amounts placed in the statutory premium reserve in any year in accordance with this Section shall be deducted in determining the net profit of the title insurance company for that year.

(e) A title insurance company shall release from the statutory premium reserve a sum equal to 10% of the amount added to the reserve during a calendar year on July 1 of each of the 5 years following the year in which the sum was added, and shall release from the statutory premium reserve a sum equal to 3 1/3% of the amount added to the reserve during that year on each succeeding July 1 until the entire amount for that year has been released. The amount of the statutory premium reserve or similar premium reserve maintained before January 1, 1990, shall be released in accordance with the law in effect before January 1, 1990.

(Source: P.A. 86-239; 87-1151.)

(215 ILCS 155/12) (from Ch. 73, par. 1412)

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Sec. 12. Examination; audit.

(a) The Director or the Director's his authorized representative shall have the power, and authority, and ~~it shall be his duty,~~ to cause to be visited and examined annually any title insurance company doing business under this Act, and to verify and compel a compliance with the provisions of law governing the title insurance company ~~it as he may by law exercise in relation to trust companies.~~

(b) The Director or the Director's his authorized representative agent shall have power and authority to compel compliance with the provisions of this Act and shall, ~~--only upon the showing of good cause,~~ require any title insurance company to make reasonable efforts to obtain the appropriate records of its registered agents and make them available for audit at a time and place designated by the Director. Expenses incurred in the course of such audits will be the responsibility of the title insurance company. If a present or former registered agent or its successor refuses or is unable to cooperate in furnishing the records requested by the Director or the Director's authorized representative, then the Director or the Director's authorized representative shall have the power and authority to obtain those records directly from such agent.

(Source: P.A. 86-239.)

(215 ILCS 155/13) (from Ch. 73, par. 1413)

Sec. 13. Annual statement.

(a) ~~A~~ Each title insurance company shall file with the Department during the month of March of each year, a statement under oath, of the condition of such company on the thirty-first day of December next preceding disclosing the assets, liabilities, earnings and expenses of the company. The report shall be in such form and shall contain such additional statements and information as to the affairs, business, and conditions of the company as the Director may from time to time prescribe or require.

(b) By June 1 of each year, a title insurance company must file with the Department a copy of its audited financial statements.

(Source: P.A. 86-239.)

(215 ILCS 155/14) (from Ch. 73, par. 1414)

Sec. 14. Fees.

(a) ~~Every~~ Every title insurance company and ~~an~~ every independent escrowee subject to this Act shall pay the following fees:

(1) for filing the original application for a certificate of authority and receiving the deposit required under this Act, \$500;

(2) for the certificate of authority, \$10;

(3) for every copy of a paper filed in the Department under this Act, \$1 per folio;

(4) for affixing the seal of the Department and certifying a copy, \$2;

(5) for filing the annual statement, \$50; and,

(6) for each examination \$500 per examiner per day or part of a day and actual travel costs incurred.

(b) By April 1 of each year, a Each title insurance company shall pay, for all of its title insurance agents subject to this Act ~~an annual registration fee of for filing an annual registration of its agents, an amount equal to~~ \$1.00 for each policy issued by ~~it and~~ all of its agents in this State in the immediately preceding calendar year, provided such sum shall not exceed \$20,000 per annum.

(c) By April 1 of each year, a title insurance company shall remit an amount equal to \$1.25 for each policy issued by it and its agents in the immediately preceding calendar year, which shall be collected and disclosed as a per policy remittance fee upon the issuance of any policy.

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(d) The Director shall review the annual license fee on an annual basis and adjust the fee no more than 5% annually to meet the estimated administrative and operational expenses for the upcoming fiscal year incidental to administering this Act. By November 1 of each year, the Director shall provide written notice to each title insurance company of any adjustment made in the annual license fee.

(Source: P.A. 86-239.)

(215 ILCS 155/16) (from Ch. 73, par. 1416)

Sec. 16. Title insurance agents.

(a) No person, firm, partnership, association, corporation or other legal entity shall act as or hold itself out to be a title insurance agent unless duly registered by a title insurance company with the Director. The Director may impose a civil penalty as provided by this Act for each violation of this registration requirement.

(b) Each application for registration shall be made on a form specified by the Director and prepared in duplicate by each title insurance company which the agent represents. The title insurance company shall retain the copy of the application and forward the original to the Director with the appropriate fee.

(c) Every applicant for registration, except a firm, partnership, association or corporation, must be 18 years or more of age.

(d) Registration shall be made annually by a filing with the Director; supplemental registrations for new title insurance agents to be added between annual filings shall be made from time to time in the manner provided by the Director; registrations shall remain in effect unless revoked or suspended by the Director or are voluntarily withdrawn by the registrant or the title insurance company.

(Source: P.A. 86-239.)

(215 ILCS 155/17) (from Ch. 73, par. 1417)

Sec. 17. Independent escrowees.

(a) Every independent escrowee shall be subject to the same certification and deposit requirements to which title insurance companies are subject under Section 4 of this Act.

(b) No person, firm, corporation or other legal entity shall hold itself out to be an independent escrowee unless it has been issued a certificate of authority by the Director.

(c) Every applicant for a certificate of authority, except a firm, partnership, association or corporation, must be 18 years or more of age.

(d) Every certificate of authority shall remain in effect one year unless revoked or suspended by the Director or voluntarily surrendered by the holder.

(e) An independent escrowee may engage in the escrow, settlement, or closing business, or any combination of such business, and operate as an escrow, settlement, or closing agent, provided that:

(1) Funds deposited in connection with any escrow, settlement, or closing shall be deposited in a separate fiduciary trust account or accounts in a bank or other financial institution insured by an agency of the federal government unless the instructions provide otherwise. Such funds shall be the property of the person or persons entitled thereto under the provisions of the escrow, settlement, or closing and shall be segregated by escrow, settlement or closing in the records of the independent escrowee. Such funds shall not be subject to any debts of the escrowee and shall be used only in accordance with the terms of the individual escrow, settlement or closing under which the funds were accepted.

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(2) Interest received on funds deposited with the independent escrowee in connection with any escrow, settlement or closing shall be paid to the depositing party unless the instructions provide otherwise.

(3) The independent escrowee shall maintain separate records of all receipt and disbursement of escrow, settlement or closing funds.

(4) The independent escrowee shall comply with any rules or regulations promulgated by the Director pertaining to escrow, settlement or closing transactions.

(f) The Director or the Director's his authorized representative shall have the power and authority to visit and examine at any time any independent escrowee certified under this Act and to compel compliance with the provisions of this Act.

(g) A title insurance company or title insurance agent, not qualified as an independent escrowee, may act in the capacity of an escrow agent when it is supplying an abstract of title, grantor-grantee search, tract search, lien search, tax assessment search, or other limited purpose search to the parties to the transaction even if it is not issuing a title insurance commitment or title insurance policy. A title insurance agent may act as an escrow agent only when specifically authorized in writing on forms prescribed by the Director by a title insurance company that has duly registered the agent with the Director and only when notice of the authorization is provided to and receipt thereof is acknowledged by the Director. The authority granted to a title insurance agent may be limited or revoked at any time by the title insurance company. When a title insurance agent has been authorized by more than one title insurance company to act under this subsection and when that title insurance agent is unable to pay a claim or loss arising from such business, then the balance of liability and expense shall become the shared liability of each title insurance company in the proportion of title insurance premiums written by the title insurance agent for each of them in the twelve months prior to the act or omission causing the liability.

(h) The Director may impose a civil penalty as provided by this Act for each violation of the requirements of this Section.

(Source: P.A. 91-159, eff. 1-1-00.)

(215 ILCS 155/21) (from Ch. 73, par. 1421)

Sec. 21. Regulatory action.

(a) The Director may refuse to grant, and may suspend or revoke, any certificate of authority, registration or license issued pursuant to this Act and may impose a civil penalty upon any registrant or licensee as provided by this Act if he determines that the holder of or applicant for such certificate, registration or license:

(1) has intentionally made a material misstatement or fraudulent misrepresentation in relation to a matter covered by this Act;

(2) has misappropriated or tortiously converted to its own use, or illegally withheld, monies held in a fiduciary capacity;

(3) has demonstrated gross untrustworthiness---or incompetency in transacting the business of guaranteeing titles to real estate in such a manner as to endanger the public; or

~~(4)--has materially misrepresented the terms--or--conditions of contracts or agreements to which it is a party--~~

(4) (5) has paid any commissions, discounts or any part of its premiums, fees or other charges to any person in violation of any State or federal law or regulations or opinion letters issued under the federal Real Estate Settlement Procedures Act of 1974, or

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~~(6) has failed to comply with the deposit and reserve requirements of this Act or any other requirements of this Act.~~

(b) In every case where a registration or certificate is suspended or revoked, or an application for a registration or certificate or renewal thereof is refused, or when a civil penalty is imposed, the Director shall serve notice of the his action, including a statement of the reasons for the his action, as provided by this Act. ~~either personally or by registered or certified mail. Service by mail shall be deemed completed if such notice is deposited in the post office, postage paid, addressed to the last known address specified in the application for the certificate or registration of such holder or registrant.~~

(c) In the case of a refusal to issue or renew a certificate or accept a registration, the applicant or registrant may request in writing, within 30 days after the date of service, a hearing. In the case of a refusal to renew, the expiring registration or certificate shall be deemed to continue in force until 30 days after the service of the notice of refusal to renew, or if a hearing is requested during that period, until a final order is entered pursuant to such hearing.

(d) The suspension or revocation of a registration or certificate shall take effect upon service of notice thereof. The holder of any such suspended registration or certificate may request in writing, within 30 days of such service, a hearing.

(e) In cases of suspension or revocation of registration pursuant to subsection (a), the Director may, in the public interest, issue an order of suspension or revocation which shall take effect upon service of notification thereof. Such order shall become final 60 days from the date of service unless the registrant requests in writing, within such 60 days, a formal hearing thereon. In the event a hearing is requested, the order shall remain temporary until a final order is entered pursuant to such hearing.

(f) Hearing shall be held at such time and place as may be designated by the Director either in the City of Springfield, the City of Chicago, or in the county in which the principal business office of the affected registrant or certificate holder is located.

(g) The suspension or revocation of a registration or certificate or the refusal to issue or renew a registration or certificate shall not in any way limit or terminate the responsibilities of any registrant or certificate holder arising under any policy or contract of title insurance to which it is a party. No new contract or policy of title insurance may be issued, nor may any existing policy or contract to title insurance be renewed by any registrant or certificate holder during any period of suspension or revocation of a registration or certificate.

(h) The Director may issue a cease and desist order to a title insurance company, agent, or other entity doing business without the required license or registration, when in the opinion of the Director, the company, agent, or other entity is violating or is about to violate any provision of this Act or any law or of any rule or condition imposed in writing by the Department.

The Director may issue the cease and desist order without notice and before a hearing.

The Director shall have the authority to prescribe rules for the administration of this Section.

If it is determined that the Director had the authority to issue the cease and desist order, he may issue such orders as may be reasonably necessary to correct, eliminate or remedy such conduct.

Any person or company subject to an order pursuant to this Section is entitled to judicial review of the order in accordance

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with the provisions of the Administrative Review Law.

The powers vested in the Director by this Section are additional to any and all other powers and remedies vested in the Director by law, and nothing in this Section shall be construed as requiring that the Director shall employ the powers conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Director.

(Source: P.A. 89-601, eff. 8-2-96.)

(215 ILCS 155/21.1 new)

Sec. 21.1. Receiver and involuntary liquidation.

(a) The proceedings under this Section shall be the exclusive remedy and the only proceedings commenced in any court for the dissolution of, the winding up of the affairs of, or the appointment of a receiver for a title insurance company.

(b) If the Director, with respect to a title insurance company, finds that (1) its capital is impaired or it is otherwise in an unsound condition, (2) its business is being conducted in an unlawful, fraudulent, or unsafe manner, (3) it is unable to continue operations, or (4) its examination has been obstructed or impeded, the Director may give notice to the board of directors of the title insurance company of the finding or findings. If the Director's finding is not corrected within 60 days after the company receives the notice, the Director shall take possession and control of the title insurance company, its assets, and assets held by it for any person for the purpose of examination, reorganization, or liquidation through receivership.

If, in addition to making a finding as provided in item (1), (2), (3), or (4), the Director is of the opinion and finds that an emergency that may result in serious losses to any person exists, the Director may, without having given the notice provided for in this subsection, and whether or not proceedings under subsection (a) of this Section have been instituted or are then pending, take possession and control of the title insurance company and its assets for the purpose of examination, reorganization, or liquidation through receivership.

(c) The Director may take possession and control of a title insurance company, its assets, and assets held by it for any person by posting upon the premises of each office at which it transacts its business as a title insurance company a notice reciting that the Director is assuming possession pursuant to this Act and the time when the possession shall be deemed to commence.

(d) Promptly after taking possession and control of a title insurance company the Director, represented by the Attorney General, shall file a copy of the notice posted upon the premises in the Circuit Court of either Cook County or Sangamon County, Illinois, which cause shall be entered as a court action upon the dockets of the court under the name and style of "In the matter of the possession and control by the Director of the Department of Financial Institutions of (insert the name of the title insurance company)". If the Director determines that no practical possibility exists to reorganize the title insurance company after reasonable efforts have been made, the Director, represented by the Attorney General, shall also file a complaint, if it has not already been done, for the appointment of a receiver or such other proceeding as is appropriate under the circumstances. The court where the cause is docketed shall be vested with the exclusive jurisdiction to hear and determine all issues and matters pertaining to or connected with the Director's possession and control of the title insurance company as provided in this Act, and any further issues and matters pertaining to or connected with the Director's possession and control that may be

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submitted to the court for its adjudication.

The Director, upon taking possession and control of a title insurance company, may, and if not previously done, shall immediately upon filing a complaint for dissolution, make an examination of the affairs of the title insurance company or appoint a suitable person to make the examination as the Director's agent. The examination shall be conducted in accordance with and pursuant to the authority granted under Section 12 of this Act. The person conducting the examination shall have and may exercise on behalf of the Director all of the powers and authority granted to the Director under Section 12. A copy of the report shall be filed in any dissolution proceeding filed by the Director. The reasonable fees and necessary expenses of the examining person, as approved by the Director or as recommended by the Director and approved by the court if a dissolution proceeding has been filed, shall be borne by the subject title insurance company and shall have the same priority for payment as the reasonable and necessary expenses of the Director in conducting an examination. The person appointed to make the examination shall make a proper accounting, in the manner and scope as determined by the Director to be practical and advisable under the circumstances, on behalf of the title insurance company and no guardian ad litem need be appointed to review the accounting.

(e) The Director, upon taking possession and control of a title insurance company and its assets, shall be vested with the full powers of management and control including, but not limited to, the following:

- (1) the power to continue or to discontinue the business;
- (2) the power to stop or to limit the payment of its obligations;
- (3) the power to collect and to use its assets and to give valid receipts and acquittances therefor;
- (4) the power to transfer title and liquidate any bond or deposit made under Section 4 of this Act;
- (5) the power to employ and to pay any necessary assistants;
- (6) the power to execute any instrument in the name of the title insurance company;
- (7) the power to commence, defend, and conduct in its name any action or proceeding in which it may be a party;
- (8) the power, upon the order of the court, to sell and convey its assets, in whole or in part, and to sell or compound bad or doubtful debts upon such terms and conditions as may be fixed in that order;
- (9) the power, upon the order of the court, to make and to carry out agreements with other title insurance companies, financial institutions, or with the United States or any agency of the United States for the payment or assumption of the title insurance company's liabilities, in whole or in part, and to transfer assets and to make guaranties, in whole or in part, in connection therewith;
- (10) the power, upon the order of the court, to borrow money in the name of the title insurance company and to pledge its assets as security for the loan;
- (11) the power to terminate his or her possession and control by restoring the title insurance company to its board of directors;
- (12) the power to appoint a receiver which may be the Office of the Director of the Department of Financial Institutions, another title insurance company, or another suitable person and to order liquidation of the title insurance

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company as provided in this Act; and

(13) the power, upon the order of the court and without the appointment of a receiver, to determine that the title insurance company has been closed for the purpose of liquidation without adequate provision being made for payment of its obligations, and thereupon the title insurance company shall be deemed to have been closed on account of inability to meet its obligations to its insureds or escrow depositors.

(f) Upon taking possession, the Director shall make an examination of the condition of the title insurance company, an inventory of the assets and, unless the time shall be extended by order of the court or unless the Director shall have otherwise settled the affairs of the title insurance company pursuant to the provisions of this Act, within 90 days after the time of taking possession and control of the title insurance company, the Director shall either terminate his possession and control by restoring the title insurance company to its board of directors or appoint a receiver which may be the Office of the Director of the Department of Financial Institutions, another title insurance company, or another suitable person and order the liquidation of the title insurance company as provided in this Act. All necessary and reasonable expenses of the Director's possession and control shall be a priority claim and shall be borne by the title insurance company and may be paid by the Director from the title insurance company's own assets as distinguished from assets held for any other person.

(g) If the Director takes possession and control of a title insurance company and its assets, any period of limitation fixed by a statute or agreement that would otherwise expire on a claim or right of action of the title insurance company, on its own behalf or on behalf of its insureds or escrow depositors, or upon which an appeal must be taken or a pleading or other document must be filed by the title insurance company in any pending action or proceeding shall be tolled until 6 months after the commencement of the possession, and no judgment, lien, levy, attachment, or other similar legal process must be enforced upon or satisfied, in whole or in part, from any asset of the title insurance company or from any asset of an insured or escrow depositor while it is in the possession of the Director.

(h) If the Director appoints a receiver to take possession and control of the assets of insureds or escrow depositors for the purpose of holding those assets as fiduciary for the benefit of the insureds or escrow depositors pending the winding up of the affairs of the title insurance company being liquidated and the appointment of a successor escrowee for those assets, any period of limitation fixed by statute, rule of court, or agreement that would otherwise expire on a claim or right of action in favor of or against the insureds or escrow depositors of those assets or upon which an appeal must be taken or a pleading or other document must be filed by a title insurance company on behalf of an insured or escrow depositor in any pending action or proceeding shall be tolled for a period of 6 months after the appointment of a receiver, and no judgment, lien, levy, attachment, or other similar legal process shall be enforced upon or satisfied, in whole or in part, from any asset of the insured or escrow depositor while it is in the possession of the receiver.

(i) If the Director determines at any time that no reasonable possibility exists for the title insurance company to be operated by its board of directors in accordance with the provisions of this Act after reasonable efforts have been made and that it should be liquidated through receivership, the Director shall appoint a receiver. The Director may require of the receiver such bond and security as the Director deems proper. The Director, represented by

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the Attorney General, shall file a complaint for the dissolution or winding up of the affairs of the title insurance company in a court of the county in which the principal office of the title insurance company is located and shall cause notice to be given in a newspaper of general circulation once each week for 4 consecutive weeks so that persons who may have claims against the title insurance company may present them to the receiver and make legal proof thereof and notifying those persons and all to whom it may concern of the filing of a complaint for the dissolution or winding up of the affairs of the title insurance company and stating the name and location of the court. All persons who may have claims against the assets of the title insurance company, as distinguished from the assets of insureds and escrow depositors held by the title insurance company, and the receiver to whom those persons have presented their claims may present them to the clerk of the court, and the allowance or disallowance of the claims by the court in connection with the proceedings shall be deemed an adjudication in a court of competent jurisdiction. The receiver shall file with the court a correct list of all creditors of the title insurance company as shown by its books, who have not presented their claims and the amount of their respective claims after allowing adjusted credit, deductions, and set-offs as shown by the books of the title insurance company. The claims so filed shall be deemed proven unless objections are filed thereto by a party or parties interested therein within the time fixed by the court.

(j) The receiver for a title insurance company has the power and authority and is charged with the duties and responsibilities as follows:

(1) To take possession of and, for the purpose of the receivership, title to the books, records, and assets of every description of the title insurance company.

(2) To proceed to collect all debts, dues, and claims belonging to the title insurance company.

(3) To sell and compound all bad and doubtful debts on such terms as the court shall direct.

(4) To sell the real and personal property of the title insurance company, as distinguished from the real and personal property of the insureds or escrow depositors, on such terms as the court shall direct.

(5) To file with the Director a copy of each report which he or she makes to the court, together with such other reports and records as the Director may require.

(6) To sue and defend in his or her own name and with respect to the affairs, assets, claims, debts, and choses in action of the title insurance company.

(7) To surrender to the insureds and escrow depositors of the title insurance company, when requested in writing directed to the receiver by them, the escrowed funds (on a pro rata basis), and escrowed documents in the receiver's possession upon satisfactory proof of ownership and determination by the receiver of available escrow funds.

(8) To redeem or take down collateral hypothecated by the title insurance company to secure its notes and other evidence of indebtedness whenever the court deems it to be in the best interest of the creditors of the title insurance company and directs the receiver so to do.

(k) Whenever the receiver finds it necessary in his or her opinion to use and employ money of the title insurance company in order to protect fully and benefit the title insurance company by the purchase or redemption of any property, real or personal, in which

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the title insurance company may have any rights by reason of any bond, mortgage, assignment, or other claim thereto, the receiver may certify the facts together with the receiver's opinions as to the value of the property involved, and the value of the equity the title insurance company may have in the property to the court, together with a request for the right and authority to use and employ so much of the money of the title insurance company as may be necessary to purchase the property, or to redeem the property from a sale if there was a sale, and if the request is granted, the receiver may use so much of the money of the title insurance company as the court may have authorized to purchase the property at the sale.

The receiver shall deposit daily all moneys collected in any State or national bank approved by the court. The deposits shall be made in the name of the Director, in trust for the receiver, and be subject to withdrawal upon the receiver's order or upon the order of those persons the Director may designate. The moneys may be deposited without interest, unless otherwise agreed. The receiver shall do the things and take the steps from time to time under the direction and approval of the court that may reasonably appear to be necessary to conserve the title insurance company's assets and secure the best interests of the creditors, insureds, and escrow depositors of the title insurance company. The receiver shall record any judgment of dissolution entered in a dissolution proceeding and thereupon turn over to the Director a certified copy of the judgment. The receiver may cause all assets of the insureds and escrow depositors of the title insurance company to be registered in the name of the receiver or in the name of the receiver's nominee.

For its services in administering the escrows held by the title insurance company during the period of winding up the affairs of the title insurance company, the receiver is entitled to be reimbursed for all costs and expenses incurred by the receiver and shall also be entitled to receive out of the assets of the individual escrows being administered by the receiver during the period of winding up the affairs of the title insurance company and prior to the appointment of a successor escrowee the usual and customary fees charged by an escrowee for escrows or reasonable fees approved by the court.

The receiver, during its administration of the escrows of the title insurance company during the winding up of the affairs of the title insurance company, shall have all of the powers that are vested in trustees under the terms and provisions of the Trusts and Trustees Act.

Upon the appointment of a successor escrowee, the receiver shall deliver to the successor escrowee all of the assets belonging to each individual escrow to which the successor escrowee succeeds, and the receiver shall thereupon be relieved of any further duties or obligations with respect thereto.

(1) The receiver shall, upon approval by the court, pay all claims against the assets of the title insurance company allowed by the court pursuant to subsection (i) of this Section, as well as claims against the assets of insureds and escrow depositors of the title insurance company in accordance with the following priority:

(1) All necessary and reasonable expenses of the Director's possession and control and of its receivership shall be paid from the assets of the title insurance company.

(2) All usual and customary fees charged for services in administering escrows shall be paid from the assets of the individual escrows being administered. If the assets of the individual escrows being administered are insufficient, the fees shall be paid from the assets of the title insurance company.

(3) Secured claims, including claims for taxes and debts

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due the federal or any state or local government, that are secured by liens perfected prior to the date of filing of the complaint for dissolution, shall be paid from the assets of the title insurance company.

(4) Claims by policyholders, beneficiaries, insureds and escrow depositors of the title insurance company shall be paid from the assets of the insureds and escrow depositors. If there are insufficient assets of the insureds and escrow depositors, claims shall be paid from the assets of the title insurance company.

(5) Any other claims due the federal government shall be paid from the assets of the title insurance company.

(6) Claims for wages or salaries, excluding vacation, severance and sick leave pay earned by employees for services rendered within 90 days prior to the date of filing of the complaint for dissolution, shall be paid from the assets of the title insurance company.

(7) All other claims of general creditors not falling within any priority under this subsection including claims for taxes and debts due any state or local government which are not secured claims and claims for attorney's fees incurred by the title insurance company in contesting the dissolution shall be paid from the assets of the title insurance company.

(8) Proprietary claims asserted by an owner, member or stockholder of the title insurance company in receivership shall be paid from the assets of the title insurance company.

The receiver shall pay all claims of equal priority according to the schedule set out in this subsection, and shall not pay claims of lower priority until all higher priority claims are satisfied. If insufficient assets are available to meet all claims of equal priority, those assets shall be distributed pro rata among those claims. All unclaimed assets of the title insurance company shall be deposited with the receiver to be paid out by him when such claims are submitted and allowed by the court.

(m) At the termination of the receiver's administration, the receiver shall petition the court for the entry of a judgment of dissolution. After a hearing upon the notice as the court may prescribe, the court may enter a judgment of dissolution whereupon the title insurance company's corporate existence shall be terminated and the receivership concluded.

(n) The receiver shall serve at the pleasure of the Director and upon the death, inability to act, resignation, or removal by the Director of a receiver, the Director may appoint a successor, and upon the appointment, all rights and duties of the predecessor shall at once devolve upon the appointee.

(215 ILCS 155/21.2 new)

Sec. 21.2. Notice.

(a) Notice of any action to be given to title insurance companies by the Director under this Act or rules or orders promulgated under it shall be made either personally or by U.S. mail and by sending a copy of the notice by telephone facsimile or electronic mail, if known and operating. Service by mail shall be deemed completed if the notice is deposited in the U.S. Mail, postage paid, addressed to the last known address specified in the application for the certificate of authority to do business or certificate of registration of the holder or registrant.

(b) The Director shall notify all registered agents of a title insurance company by regular mail when that title insurance company's certificate of authority is suspended or revoked.

(215 ILCS 155/21.3 new)

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Sec. 21.3. Record retention. Evidence of the examination of title, if any, and determination of insurability for business written by a title insurance company or its title insurance agent and records relating to escrow, closings, and security deposits shall be preserved and retained by the title insurance company or its title insurance agent for as long as appropriate to the circumstances, but in no event less than 5 years after the title insurance policy has been issued or the escrow, closing, or security deposit account has been closed.

(215 ILCS 155/23) (from Ch. 73, par. 1423)

Sec. 23. Violation; penalty.

(a) If the Director determines that a title insurance company or any other person has violated this Act, or any rule or order promulgated under this Act, the Director may order:

(1) a civil penalty not exceeding \$10,000 for each violation of Section 9 or each determination under Section 21 and not exceeding \$1,000 for any other violation; or

(2) revocation or suspension of the title insurance company's or independent escrowee's certificate of authority or title agent's registration.

(b) Any intentional violation of any of the provisions of this Act shall constitute a petty offense.

(c) Nothing contained in this Section shall affect the authority of the Director to revoke or suspend a title insurance company's or independent escrowee's certificate of authority or a title insurance agent's registration under any other Section of this Act. Any violation of any of the provisions of this Act shall constitute a business offense and shall subject the party violating the same to a penalty of \$1,000 for each offense.

(Source: P.A. 86-239.)

(215 ILCS 155/25) (from Ch. 73, par. 1425)

Sec. 25. Damages. (a) Any person or persons who violate the prohibitions or limitations of subsection (a) of Section 21 of this Act shall be liable to the person or persons charged for the settlement service involved in the violation for actual damages and costs.

~~(b) Any title insurance company or a title insurance agent who violates the prohibitions or limitations of subsection (a) of Section 21 of this Act shall be subject to injunctive relief. If a permanent injunction is granted, the court may award actual damages. Reasonable attorney's fees and costs may be awarded to the prevailing party.~~

(Source: P.A. 86-239.)

Section 99. Effective date. This Act takes effect January 1, 2002."

#### AMENDMENT NO. 2 TO SENATE BILL 887

AMENDMENT NO. 2. Amend Senate Bill 887, AS AMENDED, in Section 5 of the bill by replacing all of Sec. 14 with the following:

"(215 ILCS 155/14) (from Ch. 73, par. 1414)

Sec. 14. Fees.

(a) A Every title insurance company and an every independent escrowee subject to this Act shall pay the following fees:

(1) for filing the original application for a certificate of authority and receiving the deposit required under this Act, \$500;

(2) for the certificate of authority, \$10;

(3) for every copy of a paper filed in the Department under this Act, \$1 per folio;

(4) for affixing the seal of the Department and certifying

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a copy, \$2;

(5) for filing the annual statement, \$50; and-

(6) for each examination \$500 per examiner per day or part of a day and actual travel costs incurred.

(b) By April 1 of each year, a Each title insurance company shall pay, for all of its title insurance agents subject to this Act an annual registration fee of for-filing-an-annual-registration-of its-agents,-an-amount-equal-to \$1.00 for each policy insuring title to real estate in this State issued by it or any all of its agents in the immediately preceding calendar year, provided such sum shall not exceed \$20,000 per annum.

(c) By April 1 of each year, a title insurance company shall remit an amount equal to \$1.25 for each policy insuring title to real estate in this State issued by it or any of its agents in the immediately preceding calendar year, which shall be itemized as a separate per policy remittance fee and collected from the person purchasing the policy at the time of payment.

(d) The Director shall review the fees in subsections (b) and (c) of this Section on an annual basis and adjust the fees no more than 5% annually to meet the estimated administrative and operational expenses for the upcoming fiscal year incidental to administering this Act. By November 1 of each year, the Director shall provide written notice to each title insurance company of any adjustment made in the fees in subsections (b) and (c) of this Section.

(Source: P.A. 86-239.)".

#### AMENDMENT NO. 3 TO SENATE BILL 887

AMENDMENT NO. 3. Amend Senate Bill 887, AS AMENDED, in Section 5 of the bill, in Sec. 14, in subsection (c), by changing "By April 1 of each year" to "By April 1, 2003 and each year thereafter".

Under the rules, the foregoing Senate Bill No. 887, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

#### SENATE BILL NO. 915

A bill for AN ACT concerning park districts.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 915

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

#### AMENDMENT NO. 2 TO SENATE BILL 915

AMENDMENT NO. 2. Amend Senate Bill 915 on page 1, line 9, by replacing "give, sell," with "sell"; and on page 1, line 12 by replacing "use, or (2)" with "use, (2) to give the property to the State of Illinois if the property is contiguous to a State park, or (3)"; and on page 2, line 1, by replacing "an" with "a known".

Under the rules, the foregoing Senate Bill No. 915, with House

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Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1175

A bill for AN ACT in relation to human rights.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1175

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1175

AMENDMENT NO. 1. Amend Senate Bill 1175 by replacing lines 31 through 34 on page 4 and lines 1 through 11 on page 5 with the following:

"(4) The findings and recommended order of the hearing officer shall be filed with the Commission. The findings and recommended order may need not be authored by a hearing officer other than the hearing officer who presides at the public hearing if:

(a) the hearing officer who presides at the public hearing is unable to author the findings and recommended order by reason of death, disability, or separation from employment; and

(b) (a) all parties to a complaint file a joint motion agreeing agree to have the findings and recommended order decision written by a hearing officer who did not preside at the public hearing.

~~(b) -- the -- presiding -- hearing -- officer -- transmits -- his -- or -- her -- impression -- of -- witness -- credibility -- to -- the -- hearing -- officer -- who -- authors -- the -- findings -- and -- recommended -- order -- and~~

~~(c) -- there are no questions of witness credibility presented by the record as found by the presiding officer. --~~; and  
on page 10, by replacing lines 2 through 16 with the following:

"(4) The findings and recommended order of the hearing officer shall be filed with the Commission. The findings and recommended order may need not be authored by a hearing officer other than the hearing officer who presides at the public hearing if:

(a) the hearing officer who presides at the public hearing is unable to author the findings and recommended order by reason of death, disability, or separation from employment; and

(b) (a) all parties to a complaint file a joint motion agreeing agree to have the findings and recommended order decision written by a hearing officer who did not preside at the public hearing.

~~(b) -- the -- presiding -- hearing -- officer -- transmits -- his -- or -- her -- impression -- of -- witness -- credibility -- to -- the -- hearing -- officer -- who -- authors -- the -- findings -- and -- recommended -- order -- and~~

~~(c) -- there are no questions of witness credibility presented by the record as found by the presiding officer. --~~

Under the rules, the foregoing Senate Bill No. 1175, with House Amendment No. 1, was referred to the Secretary's Desk.

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A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1177  
 A bill for AN ACT concerning taxation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1177

Passed the House, as amended, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1177

AMENDMENT NO. 1. Amend Senate Bill 1177 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Revenue Law of the Civil Administrative Code of Illinois is amended by changing Section 2505-305 as follows:

(20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

Sec. 2505-305. Investigators.

(a) The Department has the power to appoint investigators to conduct all investigations, searches, seizures, arrests, and other duties imposed under the provisions of any law administered by the Department or the Illinois Gaming Board. Except as provided in subsection (c), these The investigators have and may exercise all the powers of peace officers solely for the purpose of enforcing taxing measures administered by the Department or the Illinois Gaming Board.

(b) The Director must authorize to each investigator employed under this Section and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department.

(c) Investigators appointed under this Section who are assigned to the Illinois Gaming Board have and may exercise all the rights and powers of peace officers, provided that these powers shall be limited to offenses or violations occurring or committed on a riverboat or dock, as defined in subsections (d) and (f) of Section 4 of the Riverboat Gambling Act.

(Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01.)".

Under the rules, the foregoing Senate Bill No. 1177, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by  
 Mr. Rossi, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2917  
 A bill for AN ACT concerning redistricting.  
 Which amendment is as follows:  
 Senate Amendment No. 1 to HOUSE BILL NO. 2917.

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Non-concurred in by the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing House Bill No. 2917, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 861

A bill for AN ACT in relation to environmental matters.

SENATE BILL NO 862

A bill for AN ACT concerning the regulation of certain financial activities.

SENATE BILL NO 1304

A bill for AN ACT concerning immunizations.

Passed the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 27

A bill for AN ACT concerning the demolition of unsafe buildings, amending named Acts.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 27.

Concurred in by the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 231

A bill for AN ACT in relation to firearms.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 231.

Concurred in by the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the

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adoption of their amendments to a bill of the following title,  
to-wit:

HOUSE BILL 572

A bill for AN ACT concerning the regulation of professions.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 572.

Senate Amendment No. 3 to HOUSE BILL NO. 572.

Concurred in by the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1942

A bill for AN ACT concerning firearms.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1942.

Concurred in by the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2254

A bill for AN ACT concerning vehicles.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2254.

Concurred in by the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2283

A bill for AN ACT in relation to cemeteries.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2283.

Concurred in by the House, May 23, 2001.

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ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2436

A bill for AN ACT concerning higher education.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2436.

Concurred in by the House, May 23, 2001.

ANTHONY D. ROSSI, Clerk of the House

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 166

Offered by Senator Clayborne and all Senators:  
Mourns the death of Thomas B. Tharp of East St. Louis.

SENATE RESOLUTION NO. 167

Offered by Senator Clayborne and all Senators:  
Mourns the death of Regina Harris of East St. Louis.

SENATE RESOLUTION NO. 168

Offered by Senator Clayborne and all Senators:  
Mourns the death of Curtis Nixon III of East St. Louis.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

At the hour of 3:44 o'clock p.m., Senator Dudycz presiding.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 23, 2001 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Commerce and Industry: Motion to concur with House Amendment 1 to Senate Bill 281.

Education: Motion to concur with House Amendment 1 to Senate Bill 406.

Judiciary: Motion to concur with House Amendments 1 & 2 to Senate Bill 725.

Local Government: Motion to concur with House Amendment 1 to Senate Bill 95.

Senator Weaver, Chairperson of the Committee on Rules, during its May 23, 2001 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

[May 23, 2001]

Executive: Senate Amendment No. 2 to House Bill 263; Senate Amendment No. 1 to Senate Resolution 152.

Education: Senate Amendment No. 1 to Senate Joint Resolution 28.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Action Motions have been approved for consideration:

Motion to concur with House Amendment 1 to Senate Bill 417  
 Motion to concur with House Amendment 1 to Senate Bill 1522

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Amendment 1 to Senate Resolution 147

The foregoing floor amendment was placed on the Secretary's Desk.

At the hour of 3:46 o'clock p.m, Honorable James "Pate" Philip, President of the Senate, presiding.

#### COMMITTEE MEETING ANNOUNCEMENTS

Senator Petka, Vice-Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 4:45 o'clock p.m.

Senator Lauzen, Chairperson of the Committee on Commerce and Industry announced that the Commerce and Industry Committee will meet today in Room 212, Capitol Building, at 6:30 o'clock p.m.

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 212, Capitol Building, at 5:45 o'clock p.m.

Senator Roskam announced that the Education Committee will meet today in Room 212, Capitol Building, at 6:00 o'clock p.m.

Senator Karpriel announced that there will be a Republican caucus immediately upon adjournment.

Senator Smith announced that there will be a Democrat caucus immediately upon adjournment.

#### JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 2 to Senate Bill 915

At the hour of 3:55 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Thursday, May 24, 2001 at 9:00 o'clock a.m.

[May 23, 2001]